FILED
FEB 21 1995
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(19)

No. 94-749

In the Supreme Court of the United States

OCTOBER TERM, 1994

JOHN J. HURLEY, INDIVIDUALLY, AND THE SOUTH BOSTON ALLIED WAR VETERANS COUNCIL,
PETITIONERS,

v.

IRISH-AMERICAN GAY, LESBIAN AND BISEXUAL GROUP OF BOSTON, AN UNINCORPORATED ASSOCIATION, BY AND THROUGH TIMOTHY DALEY, BARBRA KAY, AND CATHLEEN FINN, ACTING ON THEIR OWN BEHALF AND ON BEHALF OF MEMBERS OF THE ASSOCIATION,
RESPONDENTS.

ON WRIT OF CERTIORARI
TO THE SUPREME JUDICIAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS.

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED OCTOBER 24, 1994
CERTIORARI GRANTED JANUARY 6, 1995

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108 pp

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COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT
01/09/95 FOR THE COMMONWEALTH

SJC-06498

IRISH-AMERICAN GAY, LESBIAN AND BISEXUAL GROUP OF BOSTON & others vs. CITY OF BOSTON

02/16/94 Entered.

03/11/94 ORDER: A majority of the Justices having concluded that there was no error below, the judgment of the Superior Court, dated December 24, 1993, is affirmed. Opinion or opinions to follow. Notice to counsel.

03/15/94 The Motion for Stay of Judgments and Order filed by the appellants, South Boston Allied War Veterans Council is denied. By the Court, Notice to counsel.

05/13/94 MOTION to Enlarge Time for Filing Petition for Rehearing until fourteen days after the issuance of the written decision in this appeal filed by the South Boston Allied War Veterans Council. ALLOWED. Notice to counsel.

07/11/94 Opinion issued. See docket entry #13 paper #12. Reasons as on file. Notice to counsel.

07/25/94 PETITION FOR REHEARING, filed for South Boston Allied War Veterans by Chester Darling, Esquire.

07/26/94 DENIAL of petition for rehearing. (By the Court) Notice to counsel.

A2

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK SUPERIOR COURT
CIVIL DOCKET

92-01518A

As of 01/12/95

Irish-American Gay, Lesbian et al. v. *Boston et al.*

03/10/92	Complaint
03/11/92	ORDER (See P#3) (Zobel, J.) Fee Paid
04/30/92	ANSWER: John "Wacko" Hurley (Defendant)
07/22/92	ANSWER & Jury demand of defts. South Boston Allied War Veterans Council, Thomas Lyons, & Gene Vaillancourt (All issues)
02/19/93	MEMORANDUM & ORDER re: Parade on March 14, 1993. (Zobel, J.). Notice sent February 19, 1993
02/22/93	Amended MEMORANDUM and ORDER re: Parade on March 14, 1993. (Zobel, J.). Feb. 22, 1993, *nunc pro tunc*, Feb. 19, 1992 Notice sent February 23, 1993
02/22/93	Notice of Appeal of deft. The South Boston Allied War Veterans Council to Order dated February 19, 1993
12/15/93	Findings: OF FACTS, RULINGS OF LAW & ORDER FOR JUDGMENT (Harold Flannery, Justice) Notice in hand 12/5/93
12/22/93	Motion of deft, The South Boston Allied War Veterans Council, for leave to proceed on Appeal *in Forma Pauperis*
12/22/93	Motion of deft, The South Boston Allied War Veterans Council, for Relief from Judgment
12/22/93	Motion of deft, The South Boston Allied War Veterans Council, for Stay of Judgment

12/22/93 Notice of appeal of deft, The South Boston Allied War Veterans Council

12/24/93 Motion of defts for lv to proceed on Appeal *in Forma Pauperis* denied without prejudice to renewal "for Cause Shown" as required by Mass. R. App. Prs. 12(a) (Flannery, J)

12/24/93 Motion of deft The South Boston Allied War Veterans Council for stay of Judgment denied. (Flannery, J)

12/24/93 Motion of deft The South Boston Allied War Veterans Council for Relief from Judgment denied. Flannery, J)

12/24/93 JUDGMENT 1. As to the plff GLIB's claims against deft City of Boston Judgment shall enter for the City and the claims are Dismissed; the City shall remain as a party in the action in order to ensure effective relief. 2. As to the deft Veteran's cross-claims against the deft City of Boston, Judgment shall enter for the City and the Cross-claims are dismissed. 3. The defts South Boston Allied War Veterans Council, John J. "Wacko" Hurley their officers agents servants employees attys and all other persons in active concert or participating with them who have actual notice of the Order: (a) are permanently enjoined from discriminating against the plff on the basis of sexual orientation with respect to participation in the deft's annual St. Patrick's / Evacuation Day Parade (b) shall accommodate in the parade in all respects representatives of the plff on the terms and conditions generally applicable to all other parade participants (Flannery, J), entered on docket pursuant to Mass. R. Civ. P. 58(a) and notice sent to parties pursuant to Mass. R. Civ. P. 77(d)

12/29/93	Notice of appeal of defts John J. Hurley & the South Boston Allied War Veterans Council
02/07/94	Motion of defts to Modify the Record on appeal filing copies in lieu of missing originals and to supplement the record on appeal Allowed, subject to two conditions: (1) the other parties shall have a reasonable opportunity to verify authenticity, and (2) the appellants shall cooperate with respect to similar requests by another party (Flannery, J)
04/14/94	Rescript rec'd from SJC "A Majority of the Justices having concluded that there was no error below, the judgment of the Superior Court dated December 24, 1993, is affirmed"
05/10/94	JUDGMENT AFTER RESCRIPT (PURSUANT TO MASS. R.A.P. 28) That the Judgment of the lower court is affirmed entered on docket pursuant to Mass. R.Civ.P. 58(b) and notice sent to parties pursuant to Mass. R.Civ.P. 77(d)
07/20/94	Motion to vacate entry of judgment after rescript (w/o opposition)

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss. SUPERIOR COURT

IRISH-AMERICAN GAY, LESBIAN AND BISEXUAL GROUP OF BOSTON, an unincorporated association, by and through TIMOTHY DALEY and CATHLEEN FINN, acting on their own behalf and on behalf of the members of the association, Plaintiffs,	)	
v.	)	CIVIL ACTION No. 92-1518-A
CITY OF BOSTON, SOUTH BOSTON ALLIED WAR VETERANS COUNCIL, and JOHN J. "WACKO" HURLEY, individually and as a representative member on behalf of the South Boston Allied War Veterans Council, Defendants.	)	

PLAINTIFFS' SUPPLEMENTAL PLEADING
AND AMENDED COMPLAINT

Introduction

1. Plaintiffs' Gay, Lesbian and Bisexual Irish-American Group of Boston, Timothy Daley and Cathleen Finn bring this action to obtain declaratory and injunctive relief and damages for the violation of their right, under Massachusetts statutory

law, the Massachusetts Declaration of Rights, and the United States Constitution, to be free from invidious discrimination in a place of public accommodation, resort or amusement, and to remedy the violation of their right to freedom of expression and to equal protection of the laws.

2. Plaintiffs have applied for a parade registration form to register to march in the annual Evacuation Day/St. Patrick's Day Parade to be held on Sunday, March 14, 1993 in South Boston. Defendant South Boston Allied War Veterans Council has refused to provide Plaintiffs with a registration form and has stated that Plaintiffs will not be allowed to march in this year's Parade, despite the fact that Plaintiffs marched last year pursuant to Court order and in a peaceful and orderly manner.

3. Defendants South Boston Allied War Veterans Council and John J. "Wacko" Hurley, by refusing to allow the registration and participation of Plaintiffs in the 1993 Parade, have violated Massachusetts General Laws c. 272, sections 92A and 98, forbidding discrimination in a place of public accommodation, resort or amusement on the basis of sexual orientation.

4. Defendant City of Boston has aided and incited this violation of Massachusetts General Laws c. 272, sections 92A and 98, in violation of sections 92A and 98.

5. Defendant City of Boston, acting under color of law, has abridged Plaintiffs' rights, guaranteed by the First and Fourteenth Amendments of the United States Constitution and Articles 1 and 16 of the Massachusetts Declaration of Rights by denying Plaintiffs the right to register for and march in the annual Evacuation Day/St. Patrick's Day Parade based on the content of the message that Plaintiffs express.

Parties

6. Plaintiff Gay, Lesbian and Bisexual Irish-American Group of Boston ("GLIB") is an unincorporated association

based in Cambridge. GLIB is a social and cultural organization open to all gay men, lesbians and bisexuals of Irish descent and others interested in Irish and Irish-American issues. Among GLIB's purposes are the affirmation and celebration of the dual identity of its members as Irish-Americans who also share a gay, lesbian or bisexual identity. To that end, members of GLIB wish to register their organization and march in the 1993 Evacuation Day/St. Patrick's Day Parade.

7. Plaintiff Timothy Daley is a resident of Boston and a member of GLIB who wishes to march with GLIB in the upcoming Evacuation Day/St. Patrick's Day Parade.

8. Plaintiff Cathleen Finn is a resident of Somerville and a member of GLIB who wishes to march with GLIB in the upcoming Evacuation Day/St. Patrick's Day Parade.

9. Defendant City of Boston ("City") is a municipal corporation organized under the laws of the Commonwealth of Massachusetts. Together with the South Boston Allied War Veterans Council, it is the custom and policy of Defendant City to sponsor, organize, and promote the annual Evacuation Day/St. Patrick's Day Parade in South Boston.

10. Defendant South Boston Allied War Veterans Council ("Council") is, on information and belief, an unincorporated association which, in conjunction with Defendant City, sponsors, organizes, and promotes the annual Evacuation Day/St. Patrick's Day Parade.

11. Defendant John J. "Wacko" Hurley is Parade Adjutant for the 1993 Evacuation Day/St. Patrick's Day Parade ("Parade"). Upon information and belief, Defendant Hurley is responsible, *inter alia*, for the approval or rejection of applications for registration forms, and for the approval or rejection of registration forms submitted by groups that wish to march in the Parade.

Facts

12. Evacuation Day is an annual state holiday established in 1938 by Massachusetts General Laws c. 6, section 12K to celebrate George Washington's historic rousting of the British army from Boston in 1776.

13. In the City of Boston, Evacuation Day traditionally has been observed in conjunction with St. Patrick's Day. For many years, Defendant City and Defendant Council have cosponsored an annual Evacuation Day/St. Patrick's Day Parade that takes place on the streets of South Boston. In order to participate in the Parade, groups must register with the Defendants.

14. On or about the first week of January 1993, Plaintiff Daley wrote to Defendant Hurley requesting that Defendant Hurley send him a Parade registration form so that GLIB could register for and march in the 1993 Parade.

15. On January 11, 1993 Defendant Hurley sent a letter on behalf of Defendant Council to Plaintiff Daley informing him that his "request for a registration form to participate in the 1993 St. Patrick's Day/Evacuation Day Parade is denied." Exhibit A. On information and belief, Defendant Council has not refused to send the registration form to any other Irish-American group seeking to participate in the Parade.

16. Defendant Hurley's denial of Plaintiffs' request for a registration form was pursuant to a vote by Defendant Council not to "permit any group with any sexual themes to march" in the Parade. Exhibit B.

17. Defendants' refusal to allow GLIB to register to march in the Parade followed closely upon GLIB's request, made pursuant to the suggestion by this Court in December 1993 that the parties resolve this dispute without resort to the courts. Exhibit C.

18. Following Defendants' refusal to allow Plaintiffs to register to march in the 1993 Parade, Plaintiffs filed a complaint with the Massachusetts Commission Against Discrimination

("MCAD"). Exhibit D. On February 1, 1993 the MCAD issued Removal Letters permitting the Plaintiffs to pursue their discrimination claims in Superior Court. Exhibit E.

19. On or about December 23, 1992 Defendant City issued a conditional parade permit to Defendant Council. Without this permit, the Parade cannot take place. Moreover, upon information and belief, Defendant City has provided and continues to provide support and services to Defendant Council in its Parade organizing activities.

20. The 1993 Parade is a public accommodation in that it is a place of public amusement, entertainment, or resort. The Parade is open to and accepts the patronage of the general public. The 1993 Parade may reasonably be expected to draw in excess of 20,000 participants from diverse social, cultural, civic, religious, political, educational and historical organizations. The Parade regularly draws in excess of 750,000 spectators.

21. The Parade is a celebration of Evacuation Day, a state holiday, and traditionally has been a public function of Defendant City. Defendant City has delegated this public function, in part, to Defendant Council. The Parade is imbued with a governmental character because, *inter alia*, it celebrates the public holiday of Evacuation Day and because it is the only officially sanctioned public celebration of that holiday in the City of Boston.

22. For many years, it has been a custom and policy of Defendant City to associate its name and its service with the Parade. In 1992, the official Parade registration form described the Parade as the "City of Boston Evacuation Day Parade." The registration form for the 1992 Parade contained the official City of Boston seal and was produced in the City print shop. On information and belief, two employees of the City of Boston Veterans Services Department, identifying themselves as such, organized and administered the preparations for the Parade,

including the registration of participating groups, from their offices in City Hall and as part of their official duties.

23. Defendant City benefits from its custom and policy of cosponsorship and support of the Parade through the creation of tourist attractions, cultural celebrations, and historic commemorations relating to Evacuation Day and St. Patrick's Day, which foster Defendant City's international reputation and engenders good will among its citizens. The Parade is a unique public forum for expression within the City of Boston and the Commonwealth.

24. The Parade occurs exclusively on public highways, *i.e.*, the streets of South Boston.

25. The public streets upon which the Parade is held are a traditional public forum.

26. Defendants have had no established, regularly followed standards for determining which groups will be allowed to march in the Parade, other than payment of the required fee of $200.00 and completion of a registration form. There is no prohibition on political speech, nor is there any requirement that participating groups be Irish or Irish-Catholic. The 1992 Parade was dedicated to the themes of "Say No To Drugs," "The Armed Forces," and "World Peace."

27. Participants in the 1992 Parade included such diverse groups as the Teen-Aged Mutant Ninja Turtles, Massachusetts Citizens for Life, South Boston Against Drugs, Hallamore Clydesdale Horses, 98.5 MIX FM Radio Station, South Boston Baptist Bible Trolley, Miss South Boston, Miss Ice-O-Rama, Miss Jr. Ice-O-Rama, Put Americans to Work, Earth Day Marchers, the Wheelmen Antique Bicycles, New England Shelter for the Homeless, and the McGruff Crime Dog. Sponsors of floats and bands in the Parade included City of Boston Mayor Raymond Flynn, Congressman John J. Moakley, Massachusetts Senate President William Bulger, Boston City Councilor James Kelly, Sheriff Robert Rufo, Shubert's Smoke Shop,

Budweiser, Pepsi-Cola, Hub Video, the Mt. Washington Cooperative Bank, and the World Cross Country Championship Race Committee.

28. Plaintiffs marched in the 1992 Parade pursuant to this Court's Order of March 11, 1992. Plaintiffs fully complied with the terms of the Order, which included limiting their group to 25 participants, wearing easily recognizable insignia, carrying only one banner, not distributing pamphlets, objects or materials of any kind, working cooperatively with the Boston Police, and conducting themselves in a peaceful and orderly manner.

29. Despite Plaintiffs' exemplary conduct in the 1992 Parade, Defendants have denied Plaintiffs a registration form and refused to allow them to march in the 1993 Parade because of Plaintiffs' sexual orientation and because of the content of their expression.

30. Plaintiffs have no adequate remedy at law and will suffer immediate irreparable injury to their right to be free from invidious discrimination in a place of public accommodation, resort or amusement, and to their right to freedom of expression and to the equal protection of the laws if they are not allowed to participate in the Evacuation Day/St. Patrick's Day Parade on March 14, 1993.

COUNT I

Massachusetts General Laws c. 272, Sections 92A and 98

31. Plaintiffs repeat and reallege paragraphs 1 through 30 as if each were fully set forth herein.

32. By denying Plaintiffs the right to register for and march in the 1993 Evacuation Day/St. Patrick's Day Parade based on Plaintiffs' sexual orientation, Defendants have deprived and aided and incited the deprivation of Plaintiffs' right to be free from invidious discrimination in a place of public accom-

modation in violation of Massachusetts General Laws c. 272, §§ 92A and 98.

COUNT II

First and Fourteenth Amendments, Article 16

33. Plaintiffs repeat and reallege paragraphs 1 through 32 as if each were fully set forth herein.

34. By denying Plaintiffs the right to register for and march in the 1983 Evacuation Day/St. Patrick's Day Parade based on the content of Plaintiffs' expression and the fact that GLIB's membership is comprised of gay men, lesbians, and bisexuals, Defendants, acting under color of state law, have deprived Plaintiffs of their right to freedom of expression in violation of the First and Fourteenth Amendments to the United States Constitution and Article 16 of the Massachusetts Declaration of Rights.

COUNT III

Fourteenth Amendment, Article 1

35. Plaintiffs repeat and reallege paragraphs 1 through 34 as if each were fully set forth herein.

36. By denying Plaintiffs the right to register for and march in the 1993 Evacuation Day/St. Patrick's Day Parade based on Plaintiffs' expression and the fact that GLIB's membership is comprised of gay men, lesbians and bisexuals, Defendants, acting under color of state law, have deprived Plaintiffs of their right to equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution and Article 1 of the Massachusetts Declaration of Rights.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiffs request that this Court grant the following relief:

1. An expedited discovery schedule to permit a full hearing on the merits of the Plaintiffs' claims prior to March 14, 1993, the date of the Parade, for the reasons set out in the accompanying Motion for Expedited Discovery;

2. A temporary restraining order, and preliminary and permanent injunctions ordering Defendants to permit Plaintiffs to register for and march in the Evacuation Day/St. Patrick's Day Parade on March 14, 1993 on an equal basis with other participants;

3. A declaratory judgment that the decision by Defendants not to allow Plaintiffs to register for and march in the 1993 Parade violated the right of Plaintiffs to be free from invidious discrimination in a place of public accommodation, resort or amusement, and violated the right of the Plaintiffs to freedom of expression and equal protection of the laws guaranteed by the First and Fourteenth Amendments to the United States Constitution and Articles 1 and 16 of the Massachusetts Declaration of Rights;

4. An order pursuant to Massachusetts General Laws c. 151B, section 5 that Defendants cease and desist their violation of Massachusetts General Laws, c. 272, section 92A and 98;

5. An award to Plaintiffs of the costs of this action, including reasonable attorneys fees and costs pursuant to 42 U.S.C. section 1988 and Massachusetts General Laws c. 151B, section 5; and

6. Such other and further relief as the Court deems just and appropriate.

By their attorneys,

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Dated: February 2, 1993

[Certificate of Service omitted in printing]

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT
DOCKET NO. 92-1518-A

IRISH-AMERICAN GAY, LESBIAN AND BISEXUAL GROUP OF BOSTON,
Plaintiffs,

v.

CITY OF BOSTON, SOUTH BOSTON ALLIED WAR VETERANS COUNCIL, and JOHN J. "WACKO" HURLEY, individually and as a representative member on behalf of the South Boston Allied War Veterans Council,
Defendants.

DEFENDANTS', SOUTH BOSTON ALLIED WAR VETERANS COUNCIL AND JOHN J. HURLEY, ANSWER TO PLAINTIFF'S AMENDED COMPLAINT AND CROSS CLAIM

The Defendants, South Boston Allied War Veterans Council and John J. Hurley (hereinafter referred to as the "Veterans"), answer the allegations in each paragraph of the Plaintiff's Amended Complaint dated February 2, 1993, as follows:

1. Defendants deny the allegations contained in paragraph 1 of the Plaintiff's Amended Complaint.

2. Defendants admit that the Plaintiffs were not sent a parade registration form for the March 14, 1993 St. Patrick's/Evacu-

tion Day Parade. Defendants deny the balance of the allegations contained in paragraph 2 of the Plaintiff's Amended Complaint.

3. Defendants deny the allegations contained in paragraph 3 of the Plaintiff's Amended Complaint.

4. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of the Plaintiff's Amended Complaint and further deny that Defendants' actions were aided or influenced by Defendant, The City of Boston (hereinafter referred to as the "City").

5. Defendants are without knowledge as to the truth of the allegations contained in paragraph 5 of Plaintiff's Amended Complaint and further deny that Defendant, the City, participated in the decision of the Veterans to not provide the Plaintiff with a registration form for the March 14, 1993 St. Patrick's/ Evacuation Day Parade.

6. Defendants admit that Plaintiffs, The Irish-American Gay, Lesbian and Bisexual Group of Boston (hereinafter referred to as "GLIB") is an unincorporated association. Defendants are without knowledge or information to form a belief as to the balance of the allegations contained in paragraph 6 of the Plaintiffs Amended Complaint.

7. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 7 of the Plaintiff's Amended Complaint.

8. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 8 of the Plaintiff's Amended Complaint.

9. Defendants acknowledge that Defendant, the City, is a municipal corporation organized under the laws of the Commonwealth of Massachusetts. The Defendants deny the remaining allegations contained in paragraph 9 of the Plaintiff's Amended Complaint.

10. Defendants admit that the South Boston Allied War Veterans Council is an unincorporated association. The Defendants

deny the remaining allegations contained in paragraph 10 of the Plaintiff's Amended Complaint.

11. Defendants admit that John J. Hurley was the Parade Adjutant for the 1993 St. Patrick's/Evacuation Day Parade. Defendants deny the remaining allegations contained in paragraph 11 of the Plaintiff's Amended Complaint.

12. Defendants deny the allegations contained in paragraph 12 of the Plaintiff's Amended Complaint.

13. Defendants admit that Evacuation Day has traditionally been celebrated in conjunction with St. Patrick's Day. The Defendants deny the remaining allegations contained in paragraph 13 of the Plaintiff's Amended Complaint.

14. Defendants admit the allegations contained in paragraph 14 of the Plaintiff's Amended Complaint.

15. Defendants admit that they denied Plaintiff Daley's request for a registration form for the 1993 St. Patrick's/Evacuation Day Parade. Defendants deny the remainder of the allegations contained in paragraph 15 of the Plaintiff's Amended Complaint.

16. Defendants admit the allegations contained in paragraph 16 of Plaintiff's Amended Complaint.

17. Defendants generally admit the allegations contained in paragraph 17 of the Plaintiff's Amended Complaint.

18. Defendants admit the allegations contained in paragraph 18 of the Plaintiff's Amended Complaint.

19. Defendants admit that on or about December 13, 1993, Defendant, the City, issued a conditional parade permit. Defendants deny the remainder of the allegations contained in paragraph 19 of the Plaintiff's Amended Complaint.

20. Defendants admit that the St. Patrick's/Evacuation Day Parade attracts approximately 750,000 spectators each year. Defendants deny the remainder of the allegations contained in paragraph 20 of the Plaintiff's Amended Complaint.

21. Defendants deny the allegations contained in paragraph 21 of the Plaintiff's Amended Complaint.

22. Defendants admit utilizing the City seal of The City of Boston on its registration forms for the 1992 Parade which form incorporated the words "City of Boston Evacuation Day Parade." Defendants deny the remainder of the allegations contained in paragraph 22 of the Plaintiff's Amended Complaint.

23. Defendants are without sufficient knowledge or information to form a belief as to the general allegations contained in paragraph 23 of the Plaintiff's Amended Complaint and specifically deny the allegations of the "co-sponsorship of the Parade" as it may relate to the Defendants.

24. Defendants admit the allegations contained in paragraph 24 of the Plaintiff's Amended Complaint.

25. Defendants admit the allegations contained in paragraph 24 of the Plaintiff's Amended Complaint.

26. Defendants admit that the Parade contained themes of "Say No to Drugs", "The Armed Forces" and "World Peace". Defendants deny the remainder of the allegations contained in paragraph 26 of the Plaintiff's Amended Complaint.

27. Defendants admit the allegations contained in paragraph 27 of the Plaintiff's Amended Complaint.

28. Defendants admit the allegations contained in paragraph 28 of the Plaintiff's Amended Complaint.

29. Defendants deny the allegations contained in paragraph 29 of the Plaintiff's Amended Complaint.

30. Defendants deny the allegations contained in paragraph 30 of the Plaintiff's Amended Complaint.

31. Defendants repeat their answers of paragraphs 1 through 30 as if fully set forth herein.

32. Defendants deny the allegations contained in paragraph 32 of the Plaintiff's Amended Complaint.

33. Defendants repeat their answers of paragraphs 1 through 32 as if fully set forth herein.

34. Defendants deny the allegations contained in paragraph 34 of the Plaintiff's Amended Complaint.

35. Defendants repeat their answers of paragraphs 1 through 34 as if fully set forth herein.

36. Defendants deny the allegations contained in paragraph 36 of Plaintiff's Amended Complaint.

FIRST AFFIRMATIVE DEFENSE

The Amended Complaint fails to state a claim against the Defendants upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to maintain this action because of their laches. Plaintiffs had knowledge of all the acts of Defendants as set forth in Plaintiffs' Complaint. Nevertheless, Plaintiffs refrained from prosecuting their March 10, 1992 Complaint and waited until February 2, 1993 to file their Amended Complaint. In short, Plaintiffs sought to avoid a trial on the merits regarding the issues raised in their complaints. Plaintiffs' delay in filing their actions was to the detriment and prejudice of Defendants.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' Amended Complaint seeks relief that is illegal as a matter of constitutional law.

WHEREFORE, for the foregoing reasons, Defendants respectfully pray that the Plaintiffs' Amended Complaint be dismissed.

VETERANS' CROSS-CLAIM: CITY OF BOSTON

Defendants, South Boston Allied War Veterans Council and John J. Hurley (hereinafter referred to as the "Veterans") by way of cross-claim against the Defendant City of Boston (hereinafter referred to as the "City") say:

1. On March 11, 1992, this Court enjoined the Veterans and the City from interfering with the Plaintiff's participation in the March 15, 1992 St. Patrick's/Evacuation Day Parade.

2. On November 19, 1992, Richard A. Dimino, Commissioner of the Boston Transportation Department, wrote a letter to John J. Hurley invoking the "issues" that may arise regarding "participation" in the 1993 Parade and asking if the Parade Committee intended to conduct the 1993 Parade in a manner consistent with the Court's Order of March 11, 1992 concerning the parade. (See Exhibit #1, attached hereto).

3. On December 2, 1992, counsel for Defendants inquired of Commissioner Richard A. Dimino and Corporation Counsel Albert W. Wallis if the City of Boston intended to impose its judgment in determining who would be eligible to march with the Veterans in the 1993 parade. (See Exhibit #2, attached hereto).

4. On December 8, 1992, counsel for the Defendant wrote to the City of Boston Corporation Counsel seeking a response to his December 2, 1992 letter. (See Exhibit #3, attached hereto).

5. On December 10, 1992, the City sought to further influence the content of the Veterans' expression embodied in the 1993 Parade by seeking a judicial "clarification" of the Court's Order of March 11, 1992 as it would apply to the prospective 1993 Parade and still withheld the issuance of the 1993 Parade permit to the Veterans.

6. On December 16, 1992, Deputy Commissioner William J. Good, III, wrote to counsel for the Defendants invoking the issue of "participation" and inappropriately invoking anti-discrimination laws. (See Exhibit #4, attached hereto).

7. On December 23, 1993, the Boston Transportation Department issued a parade permit to the Veterans, the same day the MCAD issued a press release announcing that the MCAD hearing officer scheduled to hear a 1992 discrimination com-

plaint, was authorized to order gays and lesbians to march in the 1993 parade.

8. The City, its affiliates, agents and servants engaged in an extended suppression, interference with, and chilling of the Veterans' speech.

COUNT I
(42 U.S.C., Sec. 1983; FIRST AND FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION AND ARTICLES 1, 12, 16 AND 19 OF THE MASSACHUSETTS DECLARATION OF RIGHTS)

9. The Veterans repeat, reallege, and incorporate the allegations contained in paragraphs 1 through 8 of their Cross-Claim as if fully set forth herein.

10. By its actions, the City, acting under color of state and municipal law, by issuing a parade permit to the Veterans, coupled with its court action and inappropriate invocation of the Commonwealth's anti-discrimination laws, has deprived, interfered with, and chilled the speech of the Veterans, thereby depriving the Veterans and other prospective participants of the perspective 1993 Parade, of their rights to freedom of speech, association, assembly, free exercise of religion and equal protection of the laws in violation of the First and Fourteenth Amendments of the U.S. Constitution, 42 U.S.C., Sec. 1983, and Articles 1, 12, 16, and 19 of the Massachusetts Declaration of Rights.

COUNT II
(MASSACHUSETTS CIVIL RIGHTS ACT)

11. The Veterans repeat, reallege, and incorporate the allegations contained in paragraphs 1 through 10 of their Cross-Claim as if fully set forth herein.

12. The City, by its rejection and delays in issuing a parade permit to the Veterans, coupled with its court action and inap-

propriate invocation of the Commonwealth's anti-discrimination laws, interfered with, deprived, and chilled the Veterans' rights of freedom of speech, assembly, and association, which rights are secured by the U.S. and the Massachusetts Constitutions. Furthermore, the Veterans' right to free exercise of religion and equal protection were also interfered with by means of threats, intimidation or coercion in violation of the Massachusetts Civil Rights Act, G.L. c. 12, Secs. 11H and L.

WHEREFORE, the Veterans request that this Honorable Court grant the following relief:

A. A preliminary and permanent injunction issue ordering that the City of Boston not interfere with the secured Federal and State Constitutional rights of the Veterans by attempting to control, in any way, the content of the Veterans' speech embodied in future parades organized by the Veterans;

B. An award to the Veterans of the costs of this action, damages for injuries and reasonable attorneys fees pursuant to 42 U.S.C., Sec. 1988 and M.G.L. c. 12, Secs. 11 I; and

C. Such other and further relief as this Court deems appropriate.

Respectfully submitted,

SOUTH BOSTON ALLIED WAR VETERANS COUNCIL and JOHN J. "WACKO" HURLEY,
By Their Attorney

CHESTER DARLING
306 Dartmouth Street
Boston, MA 02116
(617) 536-2050
B.B.O. #114320

Dated: April 16, 1993

OFFICIAL ROSTER

EVACUATION AND ST. PATRICK'S DAY PARADE
SUNDAY, MARCH 15, 1992

Coordinated by
HON. RAYMOND L. FLYNN, Mayor of Boston
Mayor's Office of Business and Cultural Development
Rosemarie E. Sansone, Director
and
The Allied War Veterans Council of South Boston

Starting Point of Parade, Broadway Station, South Boston

HEADQUARTERS OF CHIEF MARSHAL
P.O. Box 351
South Boston, MA 02127
268-8525

GENERAL ORDER NO. 1

The following is published for the information and guidance of troops and organizations participating in the Evacuation and St. Patrick's Day Parade, to be held in South Boston, Massachusetts, on the afternoon of Sunday, March 15, 1992.

CHIEF MARSHAL
Thomas J. Lyons

CHIEF OF STAFF
John J. "Wacko" Hurley

ADJUTANT
Gene Vaillancourt

OFFICERS OF THE DAY
Francis J. Guerriero
Joseph J. Dillon
Wendell G. Penney

TRANSPORTATION OFFICER
Bronis L. Kontrim

HONORARY CHIEF MARSHALS

HON. RAYMOND L. FLYNN
HON. WILLIAM M. BULGER
ALFRED W. ARCHIBALD
JAMES H. WEBB
GEN. RICHARD NEAL, USMC
HON. JOHN J. MOAKLEY, M.C.
CHARLES A. MACGILLIVARY, C.M.H.
JOHN FALES, BVA
MICHAEL "MAC" MCGARVEY
A. RAYMOND TYE

PARADE COORDINATORS
PATRICK DILLON
EDWARD SHIFFLETT

CHIEF LIAISON OFFICER
CHARLES LENANE

MILITARY AFFAIRS COORDINATOR
MAJOR ROBERT WEINERS, USMC

DEPUTY LIAISON OFFICERS

WAYNE FONTES
KEVIN KELLY
SANDY SOUTHWICK
FRANK L. TABBI
SCOTT REEHM
JAMES RIGBY
BETTY WALKER
DAVID SOUTHWICK
MIKE TOGNARELLI
STEPHEN HAWKER

GENERAL ORDER NO. 1 — Continued

MIKE THOMPSON
LEONARD J. WALSH, JR.
STEPHEN "MIKE" COTTER
MIKE JOYCE
JAMES J. DUFFY
RONNY BRYANT

FLOAT COORDINATORS
KEVIN DILLON
JOHN JOYCE

CHIEF OF PROTOCOL OFFICER
"JOCKO" ANANIAN

OFFICIAL MEDICAL STAFF
ALAN PINEDA, M.D.
MARY PINEDA, M.D.

CHIEF AIDES DE CAMP
PAUL ARCHIBALD
RICHARD LAINE
TOM MATERAZZO
JOHN DAY
BILL POWERS
JOSEPH ALECKS
ALBERT DONNELLY

PERSONAL AIDES TO CHIEF MARSHAL
BILL KNOX
JERRY TURNER
JOHN KARINSKA
GEORGE EGAN
HENRY CARROLL
JOE WALKER

AIDES TO CHIEF MARSHAL
PAUL MCDONOUGH
JOE MANNING
KEVIN O'NEILL

ASSISTANT CHIEFS OF STAFF

SIDNEY PENNEY
ROBERT MOAKLEY
EDWARD "BUTCH" REEVES
JAMES "FOXY" MARCIELLO

DEPUTY CHIEFS OF STAFF

COMMISSIONER FRANCIS M. ROACHE, B.P.D.
SUPERINTENDENT-IN-CHIEF WILLIAM BRATTON, B.P.D.
SUPERINTENDENT THOMAS P. MALONEY, B.P.D.
SUPERINTENDENT PAUL EVANS, B.P.D.
DEPUTY SUPERINTENDENT PAUL BANKOWSKI, B.P.D.
DEPUTY SUPERINTENDENT BOB FAHERTY, B.P.D.
CAPTAIN TOM CROWLEY, B.P.D.
CAPTAIN CHARLES MCCARTHY, M.D.C.
COMMISSIONER MARTIN PIERCE, JR., B.F.D.
CHIEF JOHN R. DONOVAN, MBTA P.D.

HONORARY ASSISTANT CHIEFS OF STAFF

DEPARTMENT COMMANDER, V.F.W., WILLIAM J. MADERA
DEPARTMENT COMMANDER, A.L., JOSEPH D. CRIMMONS
DEPARTMENT COMMANDER, D.A.V., JAMES TANNER

HONORARY OFFICERS OF THE DAY

DEPARTMENT ADJUTANT, V.F.W., GORDON CROSBY
DEPARTMENT ADJUTANT, A.L., DOMINIC GINNETTI
DEPARTMENT ADJUTANT, D.A.V., JOSEPH R. HAROLD

HONORARY TRANSPORTATION OFFICERS

JOHN E. POWERS, JR.
DEREK BOYLE
JOHN HALEY, JR.
JOE AIELLO
CAROLYN WYLDER

PUBLIC RELATIONS OFFICERS

PETER GELZINIS
BRIAN WALLACE
WALTER M. CLARK
BOB MONAHAN

PARADE CHAPLAIN

RT. REV. JOHN R. MCNAMARA, REAR ADMIRAL, USN, RET.

ASSISTANT PARADE CHAPLAINS

REV. AIDIAN DUFFY, LT. COL., U.S. ARMY, RET.

REV. THOMAS MCDONALD
REV. GILBERT PHINN
REV. ALFRED PUCCINI
REV. THOMAS J. REILLY
REV. RICHARD CANNON
REV. MICHAEL STEBLE
REV. JOHN DOOHER
REV. MICHAEL DOYLE
REV. JOHN SULLIVAN

CITY HALL LIAISONS

JOSEPH FISHER
DOMENIC D'AMBROSIO
ANN THERESA DWYER
JOHN O'SULLIVAN

COMMANDER, ALLIED WAR VETERANS COUNCIL OF SOUTH BOSTON

ELEANOR TOBIN HULAK

PAST COMMANDERS, ALLIED WAR VETERANS COUNCIL OF SOUTH BOSTON

ALBERT J. F. FORD
ROBERT CROWLEY
JOHN T. TYNAN
THOMAS J. FARLEY
JOSEPH W. WALKER
J. HENRY BOCH
WALTER K. EUGLEY
CHARLES B. PECK
WALTER J. DWYER
BERNARD N. PANAJIA
JOHN F. DONOVAN
JOHN J. HURLEY
WALTER M. CLARK
GEORGE F. KING
PATRICK F. SHEEHAN
ERNEST MAESTRANZI
JOHN J. CASSELL
GILBERT HOOPER
VINCENT A. MCCARTHY
LOUIS A. BAZZINOTTI
J. PAUL IVERS
JOHN H. NEAS, JR.
ROBERT J. GIFFORD
JOHN KARINSKA
RICHARD MCDONALD
JOHN J. MALONEY

FRED A. MARINI
BETTY WALKER
FRANCIS GUERRIERO
THOMAS J. LYONS
MICHAEL J. COYNE
CHARLES SEYMOUR
EDMUND L. KETVIRTIS
DAVID J. BREADMORE
JOSEPH C. LEE
DONALD R. CLORAN
ROBERT JOYCE
JOHN ZEBRIS
JOSEPH L. DILLON
PAUL L. ROGERS
MICHAEL J. LINEHAN
HAROLD EPSTIN
JOHN J. MCSWEENEY
JOSEPH ALECKS
EDWARD CONNOLLY
ARNOLD E. MCGEE
BRONIS L. KONTRIM
ALBERT G. PROSSER
THOMAS P. BEGGAN

PAST CHIEF MARSHALS
ALLIED WAR VETERANS COUNCIL

1948 CHARLES A. MACGILLIVARY
1949 JOSEPH REARDON
1950 JOHN T. TYNAN
*1951 MICHAEL J. COYNE
1952 CARMINE PRIOLI
*1953 HAROLD EPSTIN
*1954 PATRICK F. SHEEHAN
1955 JOSEPH ALECKS
*1956 JUDGE JOSEPH F. FEENEY
*1957 JOHN CASSELL -
1958 JOHN MCSWEENEY
*1959 J. HENRY BOCH
*1960 JOHN J. MCDONOUGH
1961 ALFRED T. DUNCAN
1962 EDMUND L. KETVIRTIS
1963 JOSEPH W. WALKER
1964 JOHN J. "WACKO" HURLEY
*1965 CHARLES B. PECK
*1966 WILLIAM J. CASEY
1967 DAVID J. BREADMORE
*1968 EDWARD C. CONNOLLY
1969 WALTER M. CLARK
1970 BRONIS L. KONTRIM
*1971 WALTER J. DWYER
*1972 PAUL L. ROGERS
1973 JOHN H. NEAS, JR.
*1974 BERNARD N. PANAJIA
*1975 ROBERT J. GIFFORD
*1976 ARNOLD E. MCGEE
1977 JOHN F. DONOVAN
1978 JOHN KARINSKA
1979 JOSEPH C. LEE
1980 THOMAS P. BEGGAN
1981 ELIZABETH WALKER
1982 FRED A. MARINI
*1983 GEORGE (SPOT) RYAN
1984 DONALD R. CLORAN
1985 ROBERT E. JOYCE

1986 Joseph L. Dillon
1987 Albert G. Prosser
1988 Frank J. Guerriero
1989 Wendell G. Penney
1991 Michael F. Flaherty

*Deceased

POST COMMANDERS
ALLIED WAR VETERANS COUNCIL OF SOUTH BOSTON

Thomas J. Fitzgerald Post 561, V.F.W., Thomas C. Martin
Thaddeus Kosciuszko Post 2091, V.F.W., Henry Zablocki
South Boston Post 6536, V.F.W., David P. Broderick
Michael J. Perkins Post 67, A.L., Gene Vaillancourt
Stephen J. Darius Post 317, A.L., John Karinska
Martin F. McDonough Post 368, A.L., Edward Sloane
Paul J. Saunders Post 383, A.L., Thomas Gavaghan
South Boston Memorial Chapter 22, D.A.V., Frank Daly

HONORARY JUDGE ADVOCATES

Hon. John McGonigle
Hon. Paul Gannon
Hon. James Kelly
Hon. Jim Brett
Hon. Albert "Dapper" O'Neil
Hon. Robert Rufo

AD BOOK CHAIRMAN

Joseph Manning

BANQUET CHAIRMAN

Albert Prosser

RADIO COMMUNICATION

Metro Motorist React Team

I would like to thank all the residents and merchants, who, through their support, made this parade possible. To them we are grateful. A special tip of the hat to Councillor Jim Kelly who set up several meetings with the BPD, MDC PD, MBTA PD, and interested and sincere South Boston people

who took the time to insure a celebration with pride. Also to station WROL who helped raise money from their listening audience of the "IRISH HOUR". A special thanks to Domenic D'Ambrosio of Business and Cultural Development Department, City of Boston, for months of dedicated service to the parade. Without his efforts we could not have the parade we have today. The entire effort and support of Mayor Ray Flynn has been the very best that we, in the Allied War Veterans Council, have ever had and we salute him on behalf of all veterans.

GENE VAILLANCOURT,
Parade Adjudant

STAFF

Brian Wallace	Brian Miller	John Higgins
Dave Mann	Jack Donahue	John Mahoney
Frank Daly	Robert J. Keough	Carol Hrozenchik
Tommy Butler	Thomas F. Gavaghan	Francis X. O'Brien
John Sullivan	Leo Comeau	Howard Resnick
Billy Driscoll	Kevin Dillon	Debbie Mahoney
John J. Hurley, Jr.	Steve Barlow	Robert Jenkins
Gene Vaillincourt	Patrick J. Loftus II	Kerry Leydon
Tom Delaney	"Doc" Savage	Lisa Martin
Michael McDonough	Michael P. Hurley	Susan Slattery
Joe McDavitt	Mark A. Chace	Ellen Spring
Ruth Bolger	Raymond Fuschetti	Ginnie St. Cyr
Paul Walkowski	Jack Dalziel	Marie Mucci O'Shea
Tom McCauley	Ed "Butch" Reeves	Buddy Mangini
Bill Delaney	John Begley	Shira Goldman
Patrick Hurley	Edward Cloherty	Mike Testa
Bob Silvey	Tom Walsh	Patti Sartori
Tom O'Connell	Donald A. Gillis	Willie Horan
Lennie Hardy	Marty Barry	Joe Hogan
Harvey Allen	Jim O'Leary	Trish Flaherty

IN MEMORIAM

THOMAS J. LYONS, SR.	JOHN G. CALLNAN	DET. THOMAS GILL, B.P.D.
LT. PAUL LENTINI, B.F.D.	STANLEY GREELEY	JOHN CALLA
JIMMY NEE	STEPHEN JOYCE	KENNETH NORTON
JEREMIAH HURLY, B.P.D.	ROBERT NOONAN	WALTER J. DWYER
MARYANN SHANNON	MARIE MCDONOUGH	ED QUINLAN

PARADE FORMATION

ORGANIZATION OF UNITS

STAFF AND MILITARY DIVISION
(Assembly on West 2nd Street)

Boston Fire Department Vehicles
Boston EMS Vehicles
Mounted Detail, Boston Police Department
Mounted Detail, Boston Parks Department
U.S. Marine Corps Color Guard
Chief Marshal, Thomas J. Lyons
- U.S. Marine Corps Band, Albany Georgia

Chief of Staff, John J. "Wacko" Hurley
Parade Adjutant, Gene Vaillancourt
Officers of the Day:
- Frank Guerriero
- Joseph L. Dillon
- Wendell G. Penney

- United States Army, 18th Army Band and Color Guard, Fort Devens, MA
  Boston Fire Department Color Guard
  Boston Police Department Color Guard
  Honorable Raymond L. Flynn, Mayor of Boston
  with U.S. military leaders:
  Major General Wayne F. Wagner; General Richard Neal, USMC
  Rear Admiral Peter H. Cressy, USN; General John White, USAF
  Read Admiral Joel Sipes, USCG
- Joseph Hill Post, A.L., #156, Sponsored by Mayor Raymond L. Flynn
  Parade Chaplain, Rt. Rev. John R. McNamara, USN, Ret.
  George L. Street, USN, Ret., Congressional Medal of Honor
  Thomas J. Hudner, USN, Ret., Congressional Medal of Honor
  Hon. John J. Moakley, M.C.
- Troy High School Marching Band, Troy, NY
  Sponsored by Congressman John J. Moakley
  McDonough Post, American Legion, Post #368 Color Guard
  Commander Eleanor Tobin Hulak, Allied War Veterans Council
  Past Commanders, Allied War Veterans Council and Staff
  102nd FIN, Army National Guard
- 26th Yankee Division Band, Massachusetts National Guard
  101st Infantry, Massachusetts National Guard
  South Boston Vietnam Memorial Float
  U.S.S. Constitution Color Guard and Pikemen
  U.S. Navy Color Guard
  U.S. Navy Troops, U.S.S. Leyte Gulf
  U.S. Air Force Color Guard
  U.S. Coast Guard Color Guard
- Massachusetts Maritime Academy Regimental Band and Honor Guard
  U.S. Marines, South Weymouth
  Boston University, Marine and Navy R.O.T.C.
  West Roxbury High School Naval J.R.O.T.C.
  Charlestown High School Air Force J.R.O.T.C.
  Fort Devens M-68 Tanks and Military Vehicles
  U.S. 25th Marines Marching Brigade

BEST AVAILABLE COPY

FIRST DIVISION

(Assembly inside Gillette Company parking lot
Floats line-up on Dorchester Avenue)

- Colonial Boys of Norwood
  Sponsored by Senate President William M. Bulger
  Patriot Missile, Raytheon Corporation
  South Boston Against Drugs Float
- Marshfield High School Band
  Sponsored by City Councillor Jimmy Kelly
  Hallamore Clydesdale Horses, Holbrook, MA
  South Boston Neighborhood House Senior Citizen Trolley Float
  Marion Manor Seniors Float
  98.5 Mix FM Radio, WBMX Van
- Westborough High School Marching Band
  Sponsored by State Representative Paul Gannon
  Leukemia Society Car with City Councillor Albert "Dapper" O'Neil
  POW/MIA Float, Flag and Marchers
  Vietnam Era Veterans, Somerville
  New England Shelter for Homeless Veterans Color Guard
- Colonial Bagpipe Band
  Rosaria Salerno, Boston City Councillor
  EDIC Balloon Float
  South Boston Baptist Bible Trolley Float
  South Boston Little League
- Central Academy Marching, Band, Springfield
  Sponsored by Castle Island Association
  Irish Malden Leprechaun Float
  Princemen Singing Group Float
  Sponsored by Budweiser
  City Councillor John Nucci
- Springfield Central High School Band
  Reading Youth Baton Squad
  Massachusetts State Police
  M.D.C. Color Guard and Vehicles

Suffolk County Sheriff's Department and Vehicles
Sponsored by Sheriff Robert Rufo
MBTA Color Guard, Vehicles and McGruff Crime Dog
Boston Municipal Police Department
National Parks Service Rangers and Vehicles
Irish Police Marchers
- Wolcott High School Eagles Band, Wolcott, Connecticut
Sponsored by World Cross Country Championship Race Committee
WZOU 94.5 FM Trolleys, Floats
Sponsored by Houlihans and Irish Mist
- North Attleboro High School Band
Sponsored by Shubert's Smoke Shop
Irish Basketball Players
Irish Currah Rowing Club Float
South Boston Community Health Center Van Float
South Boston Residents Group

SECOND DIVISION
(Assembly inside Gillette Company parking lot
Floats line-up on Dorchester Avenue)

South Boston Citizens Association, Bernie O'Donnell, President
Miss South Boston, Miss Ice-O-Rama, Miss Jr. Ice-O-Rama
Lexington Minutemen
Sponsored by Hub Video
AFL-CIO Trolley Float and Marchers
WZLX 100.7 FM Float
Medway High School Band
Sponsored by Pepsi-Cola "Gotta Have It"
V.F.W. Groups
American Legion Groups
D.A.V. Groups
E.P. Clark American Legion Color Guard with Model T Ford
Tin Can Sailors
Westbrook Fife and Drums
Sponsored by Perkins Post

- Acton-Boxborough High School Band
  Sponsored by South Boston Savings Bank
  WAAF 107 FM Rock Bus and Marchers
  The Wheelmen Antique Bicycles, Charlton, Massachusetts
  Ancient Order of Hibernians Truck Float
- Attleboro High School Band
  Sponsored by Mt. Washington Cooperative Bank
  Reading Youth Baton Squad
- Braintree Braves Drum Corps
  Middlesex J. Fife and Drums
  Frank Moynihan Disk Jockey Trolley Float
  NORAD/Currans Trolley, Float and Marchers
- Colonial Band of Lawrence
  Sponsored by Amrheins Restaurant
  Mass. Citizens for Life
- Immaculate Heart of Mary Band and Float
  Put America to Work Float

THIRD DIVISION
(Assembly inside Gillette Company parking lot
Floats line-up on Dorchester Avenue)

- Whitman-Hanson High School Band
  Sponsored by Irish American Society of South Boston
  Salem, N.H. Joeys Clowns and Float
  Cartoon Characters
  Sponsored by Hub Video and The Quietman Pub
- Holy Name Band, West Roxbury, MA
  Michelle Victoria, Suffolk County Jr. Miss
- St. Patrick's Ladies Pipe Band, Nashua, N.H.
  Sponsored by Burke Distributors
  Regiment de Saintonge
- Lowell High School Band
  Sponsored by The Blackthorne Pub
  28th Mass. Volunteer Regiment, Civil War Marchers

9th Mass. Volunteer Regiment
Nathanial Warner Militia
- Dedham High School Band

Earth Day Marchers
- Lincoln High School Band, Warwick, R.I.

GENERAL ORDERS

The parade will start promptly at 12:45 P.M., and proceed up West Broadway at 1:00 P.M. The Chief Marshal and Staff Band will report to the Parade Coordinator at this site no later than 12:15 P.M.

The various commands will report to points designated to their respective positions. Reporting to Parade Coordinators.

The Mayor and his guests will review the parade from the stand on Broadway, between G and H Streets. The Gold Star Mothers will review the parade from the reviewing stand at O Street and East Fourth Street.

The Chief Marshal and his Staff will review the parade from the stand at Dorchester Street beyond Old Colony Avenue.

All Divisions will form on Dorchester Avenue and Gillette Parking Lot, behind the Staff.

All floats will form on Dorchester Avenue, near MBTA Station.

ROUTE OF PARADE

Parade starts at 12:45 P.M., proceeds up West Broadway, to East Broadway, to P Street, up P Street to East Fourth Street, to K Street, up K Street to East Fifth Street, to I Street, up I Street to East Fourth Street, to G Street, to Thomas Park, to Telegraph Street, to Dorchester Street, to Andrew Square, point of dismissal.

Uniforms as prescribed by Organization Commanders. Rate of march 120 steps per minute. Liaison Officers and Parade Coordinators are instructed not to permit too wide a gap between organizations: 50 (fifty) yards distance is the maximum.

By order of
THOMAS J. LYONS
Chief Marshal.

OFFICIAL
GENE VAILLANCOURT
Parade Adjudant.
These orders SUBJECT TO CHANGE as conditions warrant.

Special thanks to BNN Access Cable for their cooperation in televising this event.

SAY "NO" TO DRUGS,
AND WE ALL PRAY FOR WORLD PEACE

CITY OF BOSTON PRINTING SECTION

OFFICIAL ROSTER

Evacuation Day and St. Patrick's Day Parade

Sunday, March 14, 1993

Sponsored by
Allied War Veterans Council of South Boston
Starting point of Parade, Broadway Station, South Boston

Headquarters, Chief Marshal
P.O. Box 351
South Boston, MA 02127

General Order No. 1

The following is published for the information and guidance of troops and organizations participating in the Evacuation Day and St. Patrick's Day Parade to be held in South Boston, Massachusetts, on the afternoon of Sunday, March 14, 1993, at 1300 hours.

Chief Marshal
Eleanor Tobin-Hulak

Chief of Staff
Patrick Dillon

Adjutant
John J. "WACKO" Hurley

Assistant Adjutant
Frank "Chuck" Mayo

Officers of the Day
Francis J. Guerriero
Joseph J. Dillon
Wendell G. Penney

Transportation
Stephen Hawker

Honorary Chief Marshals

Hon. Raymond L. Flynn
Hon. William M. Bulger
Dr. William Reid
Hon. John J. Moakley, M.C.
Charles A. MacGillivary, C.M.H.
John Doran, B.P.D. (Ret.)
Councillor James Kelly

Parade Co-Ordinator
Edward Shifflett

Military Co-Ordinator
Michael D. Hurley

Deputy Liaison Officers

Sandy Southwich
Frank L. Tabbi
Scott Rehm
Mike Tognarelli
Mike Joyce
Stephen "Mike" Cotter
James Rigby
Betty Walker
David Southwich
Mike Thompson
James J. Duffy
Ronny Bryant

Float Co-Ordinators
Kevin Dillon
John Joyce

Chief Protocol Officers
"Jocko" Ananaian

Honorary Chief of Staff
Michael Hulak
Thomas Hulak

Chief Aides-de-Camp

Paul Archibald
Richard Laine
Tom Materazzo
Al Donnelly
John Day
Bill Powers
Joseph Alecks
Jack Forbush

Personal Aides to Chief Marshal
Michael Donovan
Patricia Hulak
Sis Joyce

Aides to Chief Marshal
Albert Lewandoski
Kevin O'Neill

Assistant Chiefs of Staff
Robert Moakley
Edward "Butch" Reeves
Derek Boyle

Deputy Chiefs of Staff
Commissioner Francis M. Roache, B.P.D.
Superintendent Paul Evans, B.P.D.
Deputy Superintendent, Paul Bankowski, B.P.D.
Deputy Superintendent, Bob Faherty, B.P.D.
Captain Tom Crowley, B.P.D.
Captain Charles McCarthy, State Police
Commissioner Martin Pierce, B.F.D.
Chief John O'Donovan, MBTA P.D.

Honorary Officers of the Day
Department Commander, V.F.W., Walter Gansenverg
Department Commander, A.L. Nick D'Alessandro
Department Commander, D.A.V. Frank J. Drogo

Public Relations Officers
Dan Horgan
John Ciccone
Walter M. Clark
Eddy Rogers
Alice O'Leary

Parade Chaplain
Reverend John P. Culloty

Assistant Parade Chaplains

Rev. Aidian Duffy, Lt. Col.
Rev. Gilbert Phinn
Rev. Richard Cannon
Rev. John Dooher
Rev. Michael Doyle
Rev. Thomas McDonnell
Rev. Thomas J. Reilly
Rev. Michael Steele
Rev. John Sullivan

Honorary Transportations Officer

Bronis L. Kontrim

Past Chief Marshals
Allied War Veterans Council

1948 Charles A. MacGillivary
1949 Joseph Reardon
1950 John T. Tynan
*1951 Michael J. Coyne
1952 Carmine Prioli
*1953 Harold Epstin
*1954 Patrick F. Sheehan
1955 Joseph Alecks
*1956 Judge Joseph F. Feeney
*1957 John Cassell
1958 John McSweeney
*1959 J. Henry Boch
*1960 John J. McDonough
1961 Alfred T. Duncan
1962 Edmund L. Ketvirtis
1963 Joseph W. Walker
1964 John J. "Wacko" Hurley
*1965 Charles B. Peck
*1966 William J. Casey
1967 David J. Breadmore
*1968 Edward C. Connolly
1969 Walter M. Clark
1970 Bronis L. Kontrim
*1971 Walter J. Dwyer
*1972 Paul L. Rogers
1973 John H. Neas, Jr.
*1974 Bernard N. Panajia
*1975 Robert J. Gifford
*1976 Arnold E. McGee
1977 John F. Donovan
1978 John Karinska
1979 Joseph C. Lee
1980 Thomas P. Beggan
1981 Elizabeth Walker
1982 Fred A. Marini
*1983 George (Spot) Ryan
1984 Donald R. Cloran
1985 Robert E. Joyce
1986 Joseph L. Dillon
1987 Albert G. Prosser
1988 Frank J. Guerriero
1989 Wendell G. Penney
1991 Michael F. Flaherty

*Deceased

Commander, Allied War Veterans Council of South Boston
Francis Daly

Past Commanders
Allied War Veterans Council of South Boston

* Albert J. F. Ford
Robert Crowley
John T. Tynan
Thomas J. Farley
Joseph W. Walker
* J. Henry Boch
Walter K. Eugley
* Charles B. Peck
* Walter J. Dwyer
* Bernard N. Panajia
John F. Donovan
John J. "Wacko" Hurley
Walter M. Clark
Fred A. Marini
Betty Walker
Francis Guerriero
Thomas Lyons
* Harold Epstin
John J. McSweeney
Joseph Alecks
* Edward Connolly
* Arnold E. McGee
Bronis L. Kontrim
Albert G. Prosser
Thomas P. Beggan
* George F. King
* Patrick F. Sheehan
* Ernest Maestranzi
* John J. Cassell
* Gilbert Hooper
Vincent A. McCarthy
Louis A. Bazzinotti
* J. Paul Ivers
John H. Neas, Jr.
* Robert J. Gifford
John Karinska
Richard McDonald
* John J. Maloney
Joseph L. Dillon
* Paul L. Rogers
Michael J. Lineuan
Eleanor T. Hulak
* Michael J. Coyne
* Charles Seymour
Edmund L. Ketvirtis
David J. Breadmore
Joseph C. Lee
Donald R. Cloran
Robert Joyce
John Zebris

Allied War Veterans Council of South Boston
Commanders

Thomas J. Fitzgerald, VFW, Thomas Martin
Thaddeus Kosciuszko Post 2091, Henry Zablocki
South Boston Post 6536, VFW, William Jones
Stephen Darius Post 317, A.L. John Karinska
Martin F. McDonough Post 368, A.L. Robert "TOP" Gooch
Paul J. Saunders Post 383, A.L. Patrick Dillon
South Boston Memorial Chapter 22, D.A.V., Ted Gavaghan

Honorary Judge Advocates

Honorable James Brett
Honorable Robert Rufo
Chester Darling
John E. Powers, Jr.
Honorable Paul Gannon
Honorable Albert "Dapper" O'Neil
John E. Powers
John E. Powers, III

Ad Book Chairman
Leo Comeau

Banquet Chairman
Joseph "Jay" Lee

Radio Communications
Metro Motorist React Team

I would like to thank all the residents and merchants, who, through their support, made this parade possible. To them we are grateful. A special tip of the hat to Councillor Jim Kelly who set up several meetings with the BPD, State Police PD, MBTA PD, and interested and sincere South Boston people who took the time to insure a celebration with pride. Also to station WROL who helped raise money from their listening audience of the "IRISH HOUR".

Harvey Allen
Helen Allix
Marty Barry
John Begley
Ruth Bolger
Tommy Butler
Jack Dalziel
Tom Delaney
Bill Delaney
Jack Donohue
Billy Driscoll
Ted Gavaghan
John Higgins
Willie Horan
Carol Hrozenchik
Michael Hulak
Kara Hulak
Paul Hulak
Michael P. Hurley
Patrick Hurley
John J. Hurley, Jr.
John Mahoney
Lisa Martin
Tom McCauley
Joe McDavitt
Michael McDonough
Brian Miller
Jon O'Connor
Bernie O'Donnell
Jim O'Leary
Howard Resnick
Eddy Rogers
"DOC" Savage
Bob Silvey
Barbara Smith
B.Z. Sullivan
Sharon Sweeney
Lori Tornovich
Carolyn Tutein
Paul Walkowski
Tom Walsh

In Memoriam
Charles Stokinger, B.F.D. — Thomas Rose, B.P.D.

PARADE INFORMATION

Staff & Military Division

(Assembly on West Second Street)

Boston Fire Department Vehicles
Boston EMS Vehicles
Mounted Detail, Boston Police Department
Mounted Detail, Boston Parks Department
McDonough Post Color Guard
* United States Navy Band-Newport, Rhode Island
Chief Marshal, Eleanor Tobin-Hulak
Chief of Staff, Patrick Dillon
Parade Adjutant, John J. "WACKO" Hurley
Assistant Parade Adjutant, Francis "Chuck" Mayo
Officers of the Day: Frank Guerrieo, Joseph L. Dillon, Wendell G. Penney
South Boston Allied War Veterans Staff

Chief Marshals Family

* Joseph Hill Post, A.L. #156 - *Sponsored by Mayor Raymond L. Flynn*

United States Army Color Guard

United States Marine Color Guard

U.S.C. Constitution Color Guard and Pikemen

United States Naval Sea Cadets, Boston Division

United States Air Force Honor Guard and Color Guard, Hanscom, Mass.

102nd Fighter Wing, Air National Guard Color and Honor Guard - Otis Air National Guard Base

United States Air Force Mini-Jet

Charlestown High School Air Force Jr. R.O.T.C.

United States Coast Guard Color

* United States Coast Guard Band - New London, Connecticut

* Massachusetts Maritime Academy Regimental Band and Honor Guard

Parade Chaplain, Reverend John Culloty

Thomas J. Hudner, USN, Ret. Congressional Medal of Honor

* Troy High School Marching Band, Troy, New York - *Sponsored by Congressman John J. Moakley*

South Boston Ancient Order of Hibernians

* St. Joseph's Bag Pipe Band, County Down, Ireland - *Sponsored by Senator William M. Bulger*

* Colonial Boys of Norwood - *Sponsored by Councillor Jimmy Kelly*

* Boston Police Drum & Bagpipes - *Sponsored by T-CATALYST*

New York Police Department

Cambridge Police Color Guard

South Boston Against Drugs Float - *Sponsored by SOBAD*

Korean War Veterans

* Westbrook Connecticut Fife & Drum Corps - *Sponsored by the Abbey Tavern*

National Park Service Rangers

MIA Flag

FIRST DIVISION

Boston Fire Department Color Guard
* Boston Fire Department Bagpipers - *Sponsored by MASSPORT*
Firefighters, Dublin, Ireland
South Boston Citizens Association, Bernie O'Donnell, President
Miss South Boston, Miss Ice-O-Rama, Miss J. Ice-O-Rama
* Marshfield High School Band - *Sponsored by Mt. Washington Bank*
All Veterans Units
Hallamore Clydesdale Horses
* Princemen Chorus (FLOAT) - *Sponsored by Budweiser*
Marion Manor's FLOAT
Malden Irish Leprechaun FLOAT
* Acton-Boxborough High School Band - *Sponsored by Representative Paul Gannon*
South Boston Baptist Bible FLOAT
South Boston Youth Sports Teams, Cub Scouts, etc. . .
Suffolk County Sheriff's Department and Vehicles - *Sponsored by Sheriff Robert Rufo*
MBTA Color Guard with McGruff Crime Dog
* Springfield High School Band - *Sponsored by the Castle Island Association*
Richard Iannella - Candidate for City Council
South Boston Neighborhood House & Seniors Trolley
WSSH Radio - MiniVan
CABLEVISION Cartoon Characters
* Woburn High School Band - *Sponsored by PEPSI*
Peggy Davis-Mullen - Candidate for City Council
Boston Public School Nurses
Leukemia Society - Norfolk Sheriffs Dept.
WCGY Radio and Contest Winners

SECOND DIVISION

* Nashua, New Hampshire Marching Band - *Sponsored by South Boston Savings Bank*
Reading Youth Baton Squad
* Lexington Minutemen - *Sponsored by Schuberts*
* North Attleboro High School Band - *Sponsored by Hub Video*
Salem, New Hampshire Joeys, Clowns
* Attleboro High School Band - *Sponsored by The Blackthorne Pub*
South Boston Yacht Club FLOAT - *125th Anniversary*
Franny D's Music Co. FLOAT - *D.J. Frank Moynihan*
Collins Auto
* Immaculate Heart of Mary Band
Massachusetts Citizens for Life

THIRD DIVISION

* Whitman-Hanson High School Band
Class Act Baton Group
The Wheelmen Antique Bicycles, Charlton, Massachusetts
Bicycle for Five
* Colonial Band of Lawrence
* 10th Mass. Volunteers (Civil War w/Music)
Curtin Post #8006
9th Mass. Volunteers (Civil War w/Guns)
* Middlesex 4-H Club, Fife & Drums
Colonel Knox Colonial Militia
Nathanial Warner Colonial Militia
Massachusetts Water Pollution
Irish Curragh Rowing Boat FLOAT
* Boston City Marching Band
Cycling Murrays
* Lincoln High School Band, Warwick, Rhode Island

GENERAL ORDERS

The parade will start promptly at 12:45 P.M., and proceed up West Broadway at 1:00 P.M. The Chief Marshal and Staff Band will report to the Parade Coordinator at this site no later than 12:15 P.M.

The various commands will report to points designated to their respective positions. Reporting to Parade Coordinators.

The Mayor and his guests will review the parade from the stand on Broadway, between G and H Streets. The Gold Star Mothers will review the parade from the stand at Dorchester Street beyond Old Colony Avenue.

All Divisions will form on Dorchester Avenue and Gillette Parking Lot, behind the Staff.

All Floats will form on Dorchester Avenue, near MBTA Station.

ROUTE OF PARADE

Parade starts at 12:45 P.M., proceeds up West Broadway, to East Broadway, to P Street, up P Street to East Fourth Street, to K Street, up K Street to East Fifth Street, to I Street, up I Street to East Fourth Street, to G Street, to Thomas Park, to Telegraph Street, to Dorchester Street, to Andrew Square, point of dismissal.

Uniforms as prescribed by Organization Commanders. Rate of march 120 steps per minute. Liaison Officers and Parade Coordinators are instructed not to permit too wide a gap between organizations: 50 (fifty) yards distance is the maximum.

By order of

OFFICIAL
John J. "Wacko" Hurley
Parade Adjutant.

Eleanor Tobin Hulak, *Chief Marshal*

These orders SUBJECT TO CHANGE as conditions warrant.

Special thanks to BNN Access Cable for their cooperation in televising this event.

SAY "NO" TO DRUGS, AND WE ALL PRAY
FOR FAMILY VALUES.

EXHIBIT B

CHESTER DARLING
Attorney and Counsellor at Law
306 DARTMOUTH STREET
AT COMMONWEALTH AVENUE
BOSTON, MASSACHUSETTS 02116 .

(617) 536-2050

January 14, 1993

VIA TELEFAX AND U.S. MAIL

Mary L. Bonauto, Esquire
GLAD
Park Square Advocates, Inc.
P.O. Box 218
Boston, MA 02112

Re: 1993 St. Patrick's/Evacuation Day Parade

Dear Attorney Bonauto:

This letter is in response to your letter of January 12, 1993.

My client will not permit "GLIB" to march in this year's parade.

The vote that was recently taken by my client to not permit any group with any sexual themes to march was merely a formalization of the fact that my client has a traditional parade expressing its religious and social values.

Thank you for your attention to this matter.

Very truly yours,

Chester Darling

CD/cm

A50

UNITED STATES OF AMERICA

Invisible Empire
Knights of The Ku Klux Klan
INTERNATIONAL OFFICES
Box 700
Gulf, N.C. 27256

IMPERIAL WIZARD
J. W. FARRANDS

From the desk of

Kleagle of the Realm of Massachusetts Invisible Empire Knights of the Ku Klux Klan.

January 09, 1993

Mr. Wacko Hurley, et al.
The Organizers of the Private St. Patrick's Event.

Dear Sirs;

Please! I am asking you humbly on behalf of the Invisible Empire to take part in marching in the Parade. We feel that if other groups can be allowed then we should be also. South Boston is the finest community in Massachusetts and it is the most beautiful, especially it's people.

The permission, if you will give it, can be related through the media and the Minuteman Klavern will contact you as well as hear your conditions.

Sincerely and with
my thanks, Kleagle
of Mass.

GLIB Fact Sheet

1. Why we are marching . . .

- We are marching to celebrate our Irish heritage as openly gay, lesbian, and bisexual individuals.
- We are marching to support our sisters and brothers in ILGO in New York City.
- We are marching to remind people that there are lesbians, gays, and bisexuals within all demographic areas, including people of Irish heritage.

2. Who likes us . . .

ILGO has endorsed GLIB's participation in the St. Patrick's Day Parade.

GLIB sought and received endorsement from the Greater Boston Lesbian and Gay Political Alliance.

3. Why did GLIB sign an agreement with the police?

From the first meeting, GLIB has defined itself as a moderate group; its focus is the celebration of the Irish heritage of the bisexuals, lesbians and gays of Boston. The agreement signed by GLIB, contrary to what the media coverage suggested, was only a restatement of ideas and cooperative measures that GLIB had previously agreed to in meetings with parade officials, mayoral staff, and police. All members of GLIB wholeheartedly approved the items in the agreement. The idea to write down an agreement that could leave no room for misrepresentation was specifically designed to defuse the Allied War Veteran's Council statement that safety issues should prevent us from marching. There is some debate as to whether it was a capitulation that discredits the gay community; we felt that we had much to gain and relatively little to lose by continuing to try to deal with the issue as reasonable people and avoid strongarm tactics (like the lawsuits).

4. Why agree to allow only 25 people to march?

We are bound to a limit of 25 people because this is the number of people we specified on our parade permit application.

Back in February we worried that we wouldn't be able to convince 15 people to march!!

Now, of course, there is substantial interest in the gay community in supporting gays' efforts to march. We are committed to providing approximately 50% of the marching slots to the general gay community. We will hold a meeting on Friday, March 13, at the Gay & Lesbian Community Center, for all people interested in marching, and will hold some type of lottery if many people express interest.

5. Why can't other gays just join in the march to show support?

There are two reasons we want to discourage individuals from attempting to join GLIB marchers: safety issues, and issues relating to the goals of GLIB.

The safety of all participants and observers is the primary concern of GLIB. Our presence in the parade is obviously very provocative for some people, but we have never intended to have an "in your face" -type march. A large, angry, group of gays marching would be very intimidating and likely, in turn, to produce an angry response from the crowd. This is a situation we want to avoid.

In addition, GLIB's goals in participating in the parade are to celebrate the Irish heritage of gays, lesbians, and bisexuals within the context of the parade. We are committed to observing the spirit of the day, which includes observing the focus of the parade, which is to celebrate being Irish, and have a good time. Although there are obviously many political ramifications to our participation, our primary goal is to march under our own banner, not to be a provocative political distraction.

6. What are the safety issues?

We have been working with the police consistently to address safety issues. Police will provide special services for marchers and supporters, including escorting marchers to and from the parade, and marching with GLIB members.

We encourage people who are planning on coming to the parade to:

- Avoid alcohol.
- Be realistic about the parade atmosphere. This is NOT Gay Pride. Wearing drag or other colorful clothing may make you, your friends, and marchers potential targets for bashings.
- Prepare yourself for the possibility that you will encounter a homophobic person who has had too much to drink.
- There is safety in numbers. Come to the parade with friends.

7. What's happening . . .

We are marching! If the council rescinds its rejection, we will march. If the council votes again to exclude us, we will pursue our first amendment rights, go to court, almost certainly we will win an injunction permitting us to march, and we will march.

There are two legal tacks we can take if we need to go to court: the first is to petition for our right under the first amendment to march in a public parade. The second tack is to protect ourselves as gays and lesbians from discrimination in public accommodations under the gay rights legislation.

8. What people can do to help . . .

We have many areas that people can help with: we are having fundraisers at Bobby's all next weekend, we have many activi-

ties to coordinate, we have a need for people to help with security activities. Let us know you're interested!

And, of course, we desperately want and need people to come to the parade to provide moral and VOCAL support! Please come and cheer us on!

A55

GLIB
Irish-American
Gay, Lesbian and
Bisexual
Pride Committee
of Boston

GLIB
% O.C.B.C.
1151 MASS AVE.
CAMBRIDGE, MA 02138

HOTLINE: (617) 695-8051

HISTORY

GLIB was formed in early January 1992 by a group of Irish-American women with the purpose of creating a social group for gay men, lesbians and bisexuals of Irish descent, representing the broad spectrum of our community. The group selected the Evacuation Day Parade (Boston's St. Patrick's Day Parade) as a starting point. On the original registration we stated there would be 25 marchers and were later held to this number by the judge.

Despite initial cooperation from the Grand Marshal, the group's application to march was rejected by the governing board of the parade, the Allied War Veterans' Council of South Boston. The reason given was that of safety - the board claimed GLIB would not guarantee the "good" behavior of its members and thus would be a safety problem. In response, GLIB filed with the police a written copy of the verbal agreement it had already made to members of the police and the media, thereby alleviating any supposed safety concerns. Nonetheless, the Council decided to stand by its original rejection.

GLIB filed suit against the city and the parade organizers; as a city funded and supported event, it could not discriminate on the basis of sexual orientation. The Civil Liberties Union of Massachusetts, Gay and Lesbian Advocates and Defenders and others argued for us. GLIB had its day in court, we won, and the rest is history. Rather than challenge the verdict with an appeal the parade organizers relented.

On March 15, 1992, GLIB took its place in the Irish-American community in the greater Boston area and was the first Irish-American Gay, Lesbian, and Bisexual group to march in the Boston St. Patrick's Day Parade.

GOALS

Celebrate our Irish heritage as openly gay, lesbian and bisexual individuals.

Remind people that there are lesbians, gay men and bisexuals within all demographic groups, including people of Irish heritage.

Form coalitions with other regional, national, and international gay, lesbian and bisexual organizations such as ILGO.

ACTIVITIES

- Participation in various Pride marches through the Northeast.
- Sponsor fundraisers for gay, lesbian, and bisexual relevant causes here and in Ireland, i.e., AIDS services, women's health issues, etc.
- Social events such as brunches, bowling league.
- Archival research of the 3/15/92 march, including press clippings and video pieces, and creation of a documentary.
- Publishing a regular newsletter.
- Celebrating our cultural heritage.
- Whatever else our clever Celtic imaginations conjure!

GROUP AVAILABILITY

GLIB is open to all gay men, lesbians, and bisexuals of Irish descent and others interested in Irish and Irish-American issues.

SEND THIS IN FOR
MORE INFORMATION

NAME_____

ADDRESS_____
_____
_____

PHONE #
DISCRETION? yes _____ no _____

I would be interested in:

- Membership Information
- T shirt(s) $12 each
  Size: M___ L___ XL___
- Button(s) $3 each
- Newsletter
- Making a donation
  (make checks payable to GLIB)
- Making an in-kind donation
  (raffle items, services, etc.)
- Establishing a chapter organization

Thanks to everyone for the past, present and future support of our organization.

May you always have the luck of the Irish!

GLIB
% O.C.B.C.
1151 MASS. AVE.
CAMBRIDGE, MA 02138

CITY OF BOSTON
EVACUATION DAY PARADE
SOUTH BOSTON, MASSACHUSETTS
SUNDAY, MARCH 15, 1992
CHIEF MARSHAL — THOMAS J. LYONS
PARADE ADJUTANT — GENE VALLIANCOURT
POST OFFICE BOX 351
SOUTH BOSTON, MA 02127
Telephone: (617) 268-8525 — 269-5017

PARADE REGISTRATION FORM

Name of Unit Irish-American Gay, Lesbian, and Bisexual Group of Boston (G.L.I.B.)

Manager or Official to Whom Correspondence Should Be Sent:

Name: B.S. Kay

Address % The Center, 338 Newbury St., Boston 02116

Telephone: 695-8051 Area Code: 617

We will ✓ Will not Participate

Number of Persons in Unit 25

Type of Unit:

Bans	Military Unit
Drum & Bugle	Veterans Group
Drill Team	Scout Troop
Color Guard	Civic Organization
Float	Other Social Club

REMARKS: Dear Ms. Kay,

Your application has been denied for safety reasons and insufficient information regarding social club.

Tom Lyons

A61

The Commonwealth of Massachusetts

By His Excellency
ALVAN T. FULLER
GOVERNOR

A PROCLAMATION

A century and a half has been recorded in the history of our Commonwealth and Nation since the British Troops evacuated the city of Boston and Massachusetts. America has grown from a struggling dependency to be the greatest nation on earth, the pride and hope of liberty loving people the world over. To those early settlers and pioneers who, with odds tremendously against them, conceived and founded a Republic which in achievement has surpassed anything in the world's history, we should be forever grateful. To the virile manhood of those days that believed in simplicity and directness, and who forgot self and laid all that they had on the altar of a Nation not yet accomplished, we should devoutly offer our thanks and appreciation, and humbly try to follow in their footsteps. The lesson clearly demonstrated by the patriots of the Revolution — that movements for great reforms need leaders of character and men of action who are willing to build up and not pull down, who recognize that co-operation is necessary for success — is a heritage and inspiration for our country in all the years to come.

That the Commonwealth of Massachusetts and its capital city contributed so much in the struggle for freedom and independence should always be a source to us of gratitude, pride and emulation.

In recognition of the patriotism and sacrifices of the citizens of Massachusetts one hundred and fifty years ago, I recommend that proper observance be made of this important anniversary in

the history of our Commonwealth and Nation by the holding of historic exercises and other patriotic demonstrations, and by a general display of the colors on the anniversary day, March seventeenth of the current year.

GIVEN at the Executive Chamber, in Boston, this ninth day of March in the year of Our Lord, one thousand nine hundred and twenty-six, and of the Independence of the United States of America the one hundred and fiftieth.

ALVAN T. FULLER.

By His Excellency the Governor.

FREDERICK W. COOK,
Secretary of the Commonwealth

God Save the Commonwealth of Massachusetts

A63

The Commonwealth of Massachusetts

By His Excellency
LEVERETT SALTONSTALL
GOVERNOR

A PROCLAMATION

1940

There is one day which we annually commemorate in Massachusetts that has more significance than ever this year when much of the world is torn in a terrific struggle between dictatorship and democracy. That occasion is the anniversary of the expulsion of the British army from Boston on March 17, 1776.

This event was more than a major military victory. It was a milestone in the march of American independence, for it marked the departure of imperialism from these shores. Growing with the years, the significance of the observance is today dramatic in the extreme, for we find the nation whose retreat in 1776 we have always celebrated now in the vanguard of the defense of liberty against oppression and tyranny.

Freedom knows no boundaries and is not cast in a mould which history can imprison in any land. It belongs to every nation and, sooner or later, we hope and pray, liberty will be a common heritage throughout the world.

In celebrating this anniversary, let us be mindful of the debt we owe to George Washington and his courageous men for the important part they played on Dorchester Heights one hundred and sixty-four years ago. By banishing imperialism and establishing democracy, they have already given to many generations the priceless gift of life, liberty, and happiness, which is still beyond the reach of countless thousands throughout the world.

It is interesting to note that "St. Patrick" was the password used by our troops. Ever since, the celebration of the double anniversary has been one of Boston's most cherished holidays.

Therefore, in accordance with the provision of the law enacted by the General Court of the Commonwealth of Massachusetts, I, Leverett Saltonstall, Governor of the Commonwealth of Massachusetts, do hereby designate and set apart as

Evacuation Day

Sunday, March 17, 1940

and direct that the flag be raised on all public buildings on the preceding day, and that suitable observance of the occasion be made in the homes, schools and churches of the Commonwealth.

GIVEN at the Executive Chamber in Boston, this fourth day of March, in the year of Our Lord one thousand nine hundred and forty, and of the Independence of the United States of America, the one hundred and sixty-fourth.

LEVERETT SALTONSTALL

By His Excellency the Governor,
FREDERIC W. COOK,
Secretary of the Commonwealth.

God Save The Commonwealth of Massachusetts

A65

The Commonwealth of Massachusetts

By His Excellency
WILLIAM F. WELD
Governor
A PROCLAMATION
1991

WHEREAS: Upon George Washington's arrival in Cambridge on July 2, 1775 he found himself surrounded by the hastily collected militia of the New England Colonies; and

WHEREAS: After many days of preparation and patient waiting, General Washington was ready to strike. Upon receiving the cannon and field pieces brought by Colonel Knox from Fort Ticonderoga, by his bold and sudden move, he was able to seize Dorchester Heights and bring about the evacuation of the British forces; and

WHEREAS: With negotiations terminated on March 8 and the first great victory of the Revolution completed, General Howe and his troops were given safe evacuation in return for the assurance that the town would not be burned; and

WHEREAS: Evacuation Day, March 17, 1776, saw eight thousand troops and nine hundred Tories set sail for Halifax, marking the last garrisoning of British troops in Massachusetts, where the war had begun. Massachusetts men fought long and hard for seven more years in other provinces but never again in their home state, for Massachusetts was now liberated;

NOW, THEREFORE, I, WILLIAM F. WELD, Governor of the Commonwealth of Massachusetts, in accordance with Chapter 80 of the Acts of 1938, do hereby proclaim March 17th, 1991 as

EVACUATION DAY

and urge the citizens of the Commonwealth to give appropriate recognition ot the observance of the 213th Anniversary of a memorable day in Bay State History.

Given at the Executive Chamber in Boston, this fourteenth day of February, one thousand nine hundred and ninety-one and of the Independence of the United States of America, the two hundred and sixteenth.

William F. Weld

MICHAEL JOSEPH CONNOLLY
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

GLOBE STAFF PHOTO / BILL GREENE

MIXED GREETING – *Gay marchers were met with obscenities but also drew cheers yesterday in their second court-backed appearance in South Boston's St. Patrick's Day Parade. Snow had postponed the event for two weeks.* *Page 13.*

BOSTON GLOBE 3/29/93

A67

TRANSCRIPT OF PROCEEDINGS

In the Superior Court of Suffolk County,
the Commonwealth of Massachusetts

Irish-American Gay, Lesbian & Bisexual Group of Boston

v. C.A. 92-1518A

City of Boston, South Boston Allied War Veterans Council
and John J. "Wacko" Hurley.

Be it Remembered that in November, 1993 before the Honorable J. Harold Flannery, Superior Court Judge, at Boston, Massachusetts, the following proceedings were had in the above styled and numbered cause:

Appearances:

Philip A. Cronin, for the Plaintiff.

Chester Darling, for the Defendant, South Boston Allied War Veterans Council.

Claudia Billings McKelway, for the Defendant, City of Boston.

Proceedings

* * *

STATEMENTS TO THE COURT BY ATTORNEY CHESTER DARLING ON THE MOTION IN LIMINE

[4] THE COURT: As I understand your position, it is, in part, that with particular reference to the public accomodations statute, so-called, the parade is not a public event.

MR. DARLING: No, it is a public event, Yoûr Honor.

THE COURT: It is a public event?

MR. DARLING: Oh, sure, it is.

THE COURT: Subject to the statute?

MR. DARLING: Absolutely not. A parade is not defined in the statute in 92A as a public accomodation. There are no First Amendment expressions listed or enumerated in 92A as far as public accomodations are concerned.

THE COURT: I see. So the language about public recreation, public highway and so on, how do you —

MR. DARLING: I'm comfortable with those, Your Honor, inasmuch as commerce occurs on the public highways. I mean, people have pushcarts. There are any number of enterprises that take place adjacent to the sidewalks and on the highways, but —

[5] THE COURT: This, you say, is a public spectacle and it's a form of recreation for the spectators, I gather.

MR. DARLING: That is one of the elements.

THE COURT: And it takes place on a public highway.

MR. DARLING: Absolutely.

THE COURT: And yet the statute doesn't apply?

MR. DARLING: No, Your Honor, because it, the thrust of the statute, and if one reads the beginning of the statute, I mean, if we apply all of the usual doctrines of ejusdem generis, or just the plain words of the statute, they relate to commerce that takes place and public accomodations in the form of restaurants and they try to be as broad, and there are cases that say they are inclusive and it should be interpreted broadly, but

the fact that the public highway, public streets are enumerated, doesn't have any application to this case. 92A has no application in this case because the streets of South Boston were permitted to my clients for a time certain. The public was excluded from the street for a time certain, so it is a public event. It is a civic celebration, of course, but it's many [6] other things and what my clients determine goes down the streets of South Boston consistent with their permit is the speech that appears on the streets, and it is theirs, the speech, the expressions are all embodied —

THE COURT: That's helpful. I thought it was your position that the statute may well apply but cannot be constitutionally applied to your clients. I take it your fall-back position is that, because of your right of expressive association, if the statute were applicable to the event, it could not constitutionally be applied to your client.

MR. DARLING: Respectfully, I don't see the fall-back position yet. I misunderstood the Court. What my position is —

THE COURT: If I should disagree with you and hold that the statute applies to the event, you still have a right to exclude the plaintiffs based on your constitutional First Amendment expressive association argument. That's why I called it a fall-back position.

MR. DARLING: Yes, but I respectfully don't think — I'm not suggesting how the Court is going to decide the case but the facts won't support proposition one. They can't.

[7] THE COURT: What's proposition one?

MR. DARLING: That a parade is a public accomodation.

THE COURT: Well, see, that's the whole point.

MR. DARLING: Exactly, Your Honor.

THE COURT: That's the whole point of the factual inquiry.

MR. DARLING: The motion in limine before the Court this morning does have some relation to —

THE COURT: We will get to that in a second, sir. I must ask you to stay with me. It is a public event but not of the genre, not of the type contemplated by the Public Accomodations Act. Is that your position?

MR. DARLING: That's correct, Your Honor, yes.

THE COURT: Okay. And your additional position is that, regardless of the statutory questions, you have a constitutional right to be free from participation by the plaintiffs?

MR. DARLING: Yes, Your Honor. We have an absolute right on the basis of the First Amendment, Article One and Article Sixteen and so forth.

THE COURT: And that is what? Noncommercial, [8] ideological speech, or what is the right that you are asserting, your Constitutional right? It's the right of expressive association. You have used that term which does appear in some of the cases.

MR. DARLING: It does but it doesn't satisfy the description I would apply to the event, Your Honor. In many ways, it is a unique event. St. Patrick's Day, for some peculiar reason, was declared a Suffolk County holiday during Mayor, I believe during Mayor Curley's administration. It just so happend that Evacuation Day was declared the holiday because it fell on March 17. The celebration that occurs, and it's been frequently referred to as a celebration, the First Amendment activity of my client is a celebration. It has many components and, during the trial this Court will hear a lot of evidence relating to the various components of the speech. I have no equivocation as far as putting my witnesses on and detailing what the speech of my clients is. My objection, of course, is that my clients explain this speech. They will describe the speeches for the purpose of this trial, but my basic legal position is that they don't have to. They simply don't have to.

Any permitted activity, for instance, I [9] have tried to make a comparison between, that I thought was appropriate, between

my clients' parade and the Gay Pride parade and the Gay Pride parade, there is a message that's defined by the parade committee that's suitable for their celebration and parade and expressions and there are a variety of them. Well, my clients have their own values and expressions and messages they wish to convey and it is a permitted exercise. My clients determine who marches, whom the sponsors are. My clients determine the messages contained in each group.

THE COURT: Let me interrupt you, sir. When you say that your clients have the right to express their — or make their expressions without the participation of the plaintiffs, is it expressions of a religious nature that you have in mind? I don't ask you to restate them now. The witnesses will, if as you say, they will describe their expressions or is it of an ethnic pride nature? Is it of a secular celebratory nature? How would you label the expressions that are being protected?

MR. DARLING: If we are having openings, Judge, mine is about over.

THE COURT: Well, I'm sorry to duplicate it but I really want to rule on the motions in limine [10] on an informed basis.

MR. DARLING: Your Honor, the methods of expression are several in the parade. I don't have the transcript from the two hours, I think it was two hours and a half description of the parade and what the messages were from February of this year, but let me just review quickly what they are.

First of all, there is a religious component to the parade. There are groups that are very devout people.

THE COURT: You needn't advance subsidiary findings. Telling me it has a religious dimension is responsive to my question.

MR. DARLING: And a political one, a cultural one, an ethnic one, a neighborhood one. I didn't even know what Southie pride was until I got involved in the enterprise. Now is it a palpable, real thing that hopefully will enter this court-

room so that would be another component of the parade. The inclusiveness of my clients will be reflected in their parade. It's been characterized as being eclectic. Of course it is. There's entertainment in the parade which, of course, is protected activity. There is a fairly recent case where a Miss Gay America Pageant, the homosexual activity and expression is [11] protected, First Amendment protected activity as are traditional values.

THE COURT: Nobody seeks to suppress your expressions. You seek to have your expressions without the burden of these would-be participants.

MR. DARLING: Oh, no, Your Honor. No, no. I would not characterize it that way. I would characterize it as follows: my clients resist, and will resist for a long time, as long as they can, having a court or the MCAD or the City of Boston tell them how to speak and that's how it translates, simply.

THE COURT: That's what I say. Nobody is telling you you may not manifest this ethnic, neighborhood, political, religious parade. You are going to do that presumably with or without the plaintiffs, but you seek to do it without the plaintiffs or you seek —

MR. DARLING: Yes, Your Honor.

THE COURT: Or you seek to maintain your right to do it without these interlopers.

MR. DARLING: Not interlopers, Your Honor, inasmuch as the facts will show that my clients were inclusive initially in this whole operation and I am so pleased that we finally have the opportunity [12] to get all of the facts before the Court.

Initially, an approach was made to the chief marshall, Mr. Thomas Lyons, in 1992. His response —

THE COURT: Before you get into an opening and it does sound more like an opening, I just needed to know what the elements or the components are of the Constitutional right of expression that you are asserting, and you tell me they are neighborhood, ethnic, religious, political —

MR. DARLING: Patriotic.

THE COURT: Patriotic.

MR. DARLING: For instance —

THE COURT: No, no. I don't need a for instance because we will be at this for a time and that's responsive to my question, so those are the or those are some or all of the —

MR. DARLING: Some.

THE COURT: Some. Well, are there others that come to mind?

MR. DARLING: Well, it's difficult to describe the responses that are generated in people when particular kinds of music are played. The bands play a variety of different pieces.

THE COURT: So it's artistic, artistic [13] or cultural.

MR. DARLING: And patriotic.

THE COURT: Yes, you said that.

MR. DARLING: Okay. The messages contained are multiple. For instance, the program itself —

THE COURT: Well, now, wait a minute. I just need to know, sir, that my appraisal or my evaluation of these values that you seek to maintain is part of your Constitutional position in this case.

MR. DARLING: Yes.

THE COURT: Okay. Alright. Now, did you want to speak to this morning's motion in limine and then I will hear from the plaintiffs.

MR. DARLING: Yes. Yes, Your Honor. The motion is to exclude the viewing of the videotape of 1993. We are into Monday morning —

THE COURT: The video of what, sir?

MR. DARLING: Of the parade in 1993, Your Honor. It's redundant. We have exhibits here. For instance, they have not been entered yet, Your Honor, but one of the exhibits, I don't know the number, will be the roster and the roster contains, adjacent to the names of the bands, sponsors that appear

in the parade. The Court now has all of the financial information that was produced by the Veterans.

[14] THE COURT: Okay. Apart from redundancy or cumulativeness, do you have objections?

MR. DARLING: Yes, time. Time, Your Honor. I am hopeful that, you know, I hope we can conclude the case in one week and I don't know how long it's going to take to play that tape.

THE COURT: I see. Well, alright. Why is time so important to you? I appreciate that from an institutional standpoint but there must be something more than your solicitude about the Court.

MR. DARLING: There was a confusion about the witnesses that would be called. When I called Friday, that was the first time I discovered that the tape was going to be played. It was never listed as a prospective exhibit and I have no real objection to it. I just hope that it doesn't cut down the trial. At the same time, if that is to support any testimony relating to the contributors to the parade, individual and corporate contributors, and supporters of my clients' speech, then, if course, I renew the argument, without burdening the Court this morning, from last Wednesday, but the privacy, we're talking about a First Amendment exercise, Your Honor, not a commercial activity, and if these people want to put their names on a banner supported by or sponsored [15] by, that's their prerogative and no Court and no agency, city, state, can sit down or compel anyone that's going to join in a speech or associate in a speech with somebody else, engaged in a First Amendment activity and compel them to produce their checks, why did you support the First Amendment activity? This is beyond, beyond credulity as far as an application of the First Amendment is concerned.

* * *

[30] MR. DARLING: Your Honor, the evidence will be quite contrary to the position of the plaintiffs, that [31] my clients intend no injury to the plaintiffs —

THE COURT: Well, now, wait. You will have to help me. That confuses me, because was it your position that your clients were and continued to be inclusive but this specific group is unwelcome for some reason?

MR. DARLING: Well, they are now, Judge. They are now.

THE COURT: I'm sorry?

MR. DARLING: They are now after what they —

THE COURT: GLIB is unwelcome?

MR. DARLING: GLIB is unwelcome, is not welcome any more.

THE COURT: Because of its connection with ILGO or for whatever reason, the genesis of the controversy, what I'm trying to get to, is some other group with the same sexual orientation, does it continue to be welcome? You say it started out to be inclusive.

MR. DARLING: In what form?

THE COURT: As participants in the parade.

MR. DARLING: Gays and lesbians, bisexuals, have participated in the St. Patrick's Day for many, many years. It is not a litmus test to be heterosexual [32] to march in the parade.

THE COURT: That's what I'm trying to get at. What is it, as precisely as you can articulate it, what form of participation, if any, is objectionable. I take it GLIB, this specific organization or association, its sponsorship is, continues to be unwelcome.

MR. DARLING: Well, that particular group. Let me say this, Your Honor, the Council, they are the Veterans Council, they are the elected members from the various groups, Veterans of Foreign Wars, and Disabled Veterans and American Legion Posts in South Boston. They determine who the sponsors are and who the participants are, and they had a vote. Let's see, they had a vote for the people at this year's parade and their vote was that they would not permit any sexual themes, any

group to have any sexual themes. That was their wish. They memorialized it.

THE COURT: And any group that announces its orientation is a sexual theme?

MR. DARLING: Your Honor?

THE COURT: I said, any identifiable group in the parade that announces its sexual orientation is the sexual theme that's excluded?

[33] MR. DARLING: I think that would be fair to say.

THE COURT: Okay.

MR. DARLING: Sexual theme, it would fall within that. Their themes, you will hear, you will see —

THE COURT: Okay.

MR. DARLING: — on the videotape.

THE COURT: So it is not just GLIB. It is any person or group of that orientation who seeks to announce it?

MR. DARLING: Well, I can't say that for the Council but, Your Honor —

THE COURT: You are their lawyer.

MR. DARLING: When you hear the evidence, when you heard the evidence and you see how the process started, the inclusive process started, and why it went sour, you will see that, perhaps, if they had used a little different approach, maybe if their, if a group marched with Mr. Scondras who never asked to be invited, they wouldn't have been excluded. Mr. Scondras has never been excluded from the parade. No one has because of their sexual preference. If they had gone about it a little differently, a group may have marched without the sexual theme being [34] identified, fine. Maybe the Council would have said, okay. I think we now have a history that would preclude that. That's my personal observation. I can't speak for the Council but initially, they were inclusive. They have voted no group, any group with any sexual theme is not to be permitted in the parade, that's it. So, that's the current

position of the Council, not mine, and finally, Your Honor, there are two things. One is uncontroverted. There is a whole licensing procedure for parades in this case. There are many, many cases alluded to and I provided the Court with quite a few. I used Reverend Fred Shuttleworth as the main point because his case was so unique in the sense, at least to me, because I was down in Alabama at that time, but all of the licensing cases preclude anyone from determining the content of the parade, that's it, uncontroverted from the other side. This is the obstacle that they are trying to get by.

The fact is, the City of Boston is unable to determine the content. They tried. They tried in '92 and '93, but — and that will evolve in the evidence, but they failed. The City can't instruct anyone to march in a First Amendment or participate in a First Amendment activity. MCAD has checked [35] in now and they have issued a cease and desist order, of all the gall, Your Honor, to have an agency act and acknowledge that this is a case of first impression and a novel case, but, of course, it is. They have no jurisdiction over the constitution and there will be evidence that Mr. Duffy, in 1992, prior to Ms. Kay talking to any counsel, was soliciting a complaint, not in '93, '92, before any of this activity started.

* * *

[226] SUPERINTENDENT THOMAS P. MALONEY, having been called as a witness on behalf of the Plaintiff, being first duly sworn, was examined on his oath as follows:

* * *

CROSS-EXAMINATION
By Mr. Darling:

* * *

[234] Q. And if there is someone in a — let's confine ourselves to the 1992 parade, Superintendent. If a group jumped into the line of march, that was not listed on the roster, and was observed by yourself or your colleagues, what next would happen?

A. We probably would have consulted with the parade organizers to find out if they approved or concurred with this entrance of this other group into the parade. If they did not, we would try to eject them from the parade route.

Q. In 1992, I can't recall, Superintendent, will you help me out? In either the 1992 parade or the 1993 parade, were you called by Mr. Hurley on the radio regarding a pickup truck that was down at the Andrews Square Assembly area?

A. Yes, yes, I was.

Q. Was that the 1992 or '93 parade? Do you remember?

A. I think it was '92. I'm not sure.

Q. Okay. As a result of receiving the radio call from Mr. Hurley, what did you next do?

[235] A. I went to the scene and there was a truck there with placards on it that was anti-gay, if you will, that could have been inciteful if it had been allowed to be in the parade. We ordered it out of the line of march or out of the procession, if you will.

Q. Did Mr. Hurley request that you remove that truck?

A. Yes, he did.

* * *

[242] THOMAS J. LYONS, having been called as a witness on behalf of the Plaintiff, being first duly sworn, was examined on his oath as follows:

* * *

DIRECT EXAMINATION
By Mr. Cronin:

* * *

[246] Q. In the process of selecting parade applicants for 1991, or anytime in 1992 prior to March of 1992, did you have any written standards or criteria as to the selection of parade participants?

A. What I used were the copies of previous parade applications because on it it had the addresses and the contact person of that band or unit and, I think, in my case the chief marshall has the ability to somewhat decide what he would like to do with his parade. In my case, I wanted it to be a salute to the men and women of the armed services so that we had more military participation. So that was a different avenue to take. But, by and large, I would say that 95% of the '92 parade was done through the previous parade applications.

* * *

CROSS-EXAMINATION
By Mr. Darling:

* * *

[262] Q. Eventually some publicity occurred regarding the controversy that was emerging between the group and [263] marching and so forth. Is that correct?

A. The controversy started after March 1st, when the vote was taken and, I believe some of the local papers had a headline that a gay group had been denied access to the Evacuation Day Parade.

Q. As the result of that did the veterans receive a communication from the Klu Klux Klan?

A. Yes, Sir. I received a letter at my home.

Q. Would you identify this document please?

A. Yes, this was the letter that was pushed under my door.

Q. Did you make it known that the KKK wanted to march in the 1992 parade?

A. Yes.

Q. Of the veterans. I'm sorry.

A. Yes. After receiving this, it was prior to our parade but I had contacted Mr. Hurley and a number of the people involved, Mr. Vaillancourt, and I showed them what this was deteriorating to and that, you know, this is not going to happen.

Q. And the veterans were not inclusive as far as the KKK was concerned and this letter being treated as any kind of a request to participate. Is that correct?

A. Yes.

Q. As far as the annual parade itself was concerned would [264] you define it as a family event?

A. That's what we had hoped for. Yes.

Q. A traditional parade?

A. Yes, Sir.

Q. With religious components in the parade?

A. Yes, Sir.

Q. Political speech in the parade? Politicians?

A. Yes, Sir.

Q. A lot of inspirational music?

A. Yes, Sir.

Q. I don't know if I asked you before but because of your background and the time one of the major themes of the 1992 parade was a salute to the troops from Desert Storm. Is that correct?

A. Yes, Sir.

Q. Was it in 1992 that there was a missing in action float?

A. Yes, Sir.

Q. In 1993 there was a missing in action blanket that was marched through the streets. Do you remember that?

A. Yes, Sir.

Q. In the 1992 float were there men dressed as prisoners in a cage drawn by a truck?

A. Yes, Sir.

Q. Do you recall if there was a 4H group in the 1992 parade?

[265] A. I know they were on the roster.

Q. Do you know if the little league groups and boy scouts and girl scouts participated in the 1992 parade?

A. Yes, Sir. They were on the roster also.

Q. A number of celebrities were invited to the parade?

A. Yes, Sir. I think we had the bronze medal winner from the Olympics, Nancy Kerrigan.

Q. Does the parade, as an entity, celebrate what is called "Southie Pride"?

A. Yes, Sir.

Q. Is part of that the fact that a great deal of service men died for their country that came from South Boston?

A. Yes, Sir.

Q. Congressional Medal of Honor Chief Marshalls in the parade?

A. Yes, Sir.

Q. Do you remember the Immaculate Heart of Mary Band that was in the parade in 1992?

A. Yes, Sir.

Q. The participation of the Ancient Order of Hibernians?

A. Yes, Sir.

Q. And the entire parade?

A. Yes, Sir.

Q. Do you recall — Excuse me, I misspoke earlier. Do you [266] recall that the Immaculate Heart of Mary Band reported that they were unable to march in the parade as the result of the participation by GLIB in the parade?

A. They withdrew because of the controversy that was going on.

* * *

[268] Q. Subsequent to the decision of the Court and the parade in 1992, the veterans were presented with a bill from counsel for $43,000.00. You're familiar with that?

A. Yes, Sir.

Q. How did that impact the membership of the Allied War Veterans Council that that bill had been presented as the result of that litigation?

A. It was devastating. Veterans organizations traditionally don't have money to be able to pay attorney's fees. That's for sure. We were looking at, you know, what we'd have to do to raise that kind of money.

Q. Attorney's fees being for the other side in this case; the Civil Liberties Union and a number of private law firms is that correct?

A. Yes, Sir.

Q. And the Gay-Lesbian Advocates Independence; they presented the bill?

A. Yes, Sir.

[269] Q. This year the veterans have been fined a total of $4,500.00 by the MCAD. Is that correct?

A. That's what I read in the paper. Yes.

Q. As a result of reading that in the paper have you had any discussions with your colleagues in the veterans groups and those that organized the South Boston Parade, has that impacted on the preparation for the 1994 parade?

A. I have not attended any meetings since my —

Q. In the general community.

A. — since my parade involvement. But, in general, yes. Any time you look at having to give money, whatever the size is. Again, I mean Aliied Counsel and veterans organizations don't have that kind of money on hand just to be able to distribute. So yes, it has an adverse effect.

* * *

[274] RECROSS-EXAMINATION

By Mr. Darling:

Q. You just responded to questions from Mr. Cronin regarding groups having a particular sexual orientation. As far as the veterans are concerned, was there a vote taken by the South Boston Allied War Veterans Counsel that stated that any group with any sexual theme would be excluded from any parades that they are permitted to conduct?

A. Yes, Sir.

* * *

[295] JOHN J. HURLEY, having been called as a witness on behalf of GLIB, being first duly sworn, was examined on his oath as follows:

DIRECT EXAMINATION
(By Mr. Cronin)

* * *

[323] Q. Did the Council take a vote?

A. The Council took a vote but they don't go on recommendations. They go on, the majority rules. All in favor "aye," and all opposed, "nay." If the "ayes" have it, you're out.

Q. The vote was against it?

A. Unanimously, Sir.

Q. Now, until the application by GLIB in 1992, do I understand that no other organization up to that point had been the subject of a vote as to admission or exclusion by the council?

A. Did you say "no other organization"?

Q. Right.

A. That's not correct, Sir.

Q. What other organization had been?

A. An organization named Restore Our Alienated Rights. It was an anti-bussing group from South Boston, Charlestown, Winchester; all over, but predominatly South Boston [324] and they applied for permission to come into the parade.

We voted not to let them come into the parade. We voted not to let them come in because they had a message that was contrary to our beliefs and our traditional values.

Q. That was when?

A. That was during the height of forced bussing. That might have been around '72 or '73.

Q. So other than ROAR, had any other organizations been subject to a vote like that?

A. Yes, Sir. The KKK wanted to come in.

Q. When was that?

A. That's when the guy, he was the grand wizard, his name was Duke. He personally signed that. But we knew what he stood for and we turned him down on the same basis.

Q. When would that be?

A. It would be around '72 or '73.

Q. Other than ROAR and the KKK do I understand that there was no other organization that had been subject of a vote ny the counsel as to their acceptance or rejection?

A. Not to the best of my memory.

Q. With respect to the application by GLIB, however, and the meeting with the mayor at Phillip's Restaurant, was there discussion, do you recall, about GLIB's status under [325] Massachusetts law with respect to being an organization involved in sexual orientation?

A. We had no conversation on that, Sir.

Q. but you recall, do you not, a letter from Mr. Good, to you, pointing out to you the anti-discrimination laws of the commonwealth?

A. That was his conclusion. I just turned that letter over.

Q. But, based on Mr. Good's letter, did you recognize that you were meeting with the mayor in connection with the vote. That, with GLIB, you were dealing with an organization quite different than the KKK or ROAR?

A. I don't thing they're any — They are probably different in statute in some way but I don't think they're very different.

Q. So, you regarded, as I understand it, GLIB as on the same footing; the same type of organization as ROAR or the KKK?

A. I didn't say that, Sir.

Q. Well how did you —

A. I'm saying that they were denied entrance in the parade strictly because they were not going with our traditional values

and they were sending out a message that we felt we did not want our families to see.

* * *

COLLOQUY WITH THE COURT

[335] THE COURT: Well the record so shows, Mr. Darling. I must say, once again, that I don't fully grasp your position. The other day you said that a parade is not a place of public accomodation, but that is unquestionably a public event.

Now, we have the supporters of a public event and you say their support must not be disclosed?

MR. DARLING: Your Honor, I'm not suggesting that the rights of my clients disappear because I say a parade is a public event. Of course it's a public event. It's also a civic event. But it is also, most importantly, a privately permitted first amendment expression.

I didn't waive my first amendment claim because I characterized a public event as a public event, which a parade is. But it is still a permitted private expression of my client's expression; all those I enumerated.

[336] So, I'm not withdrawing that. I give my heated response, Your Honor, that I had no intention of suggesting that my client's first amendment rights were waived by my characterizing a parade as a public event, which it is.

* * *

FURTHER DIRECT EXAMINATION OF MR. HURLEY

[351] Q. I gather that the Gillette Company was a sponsor?

A. That's not correct. We received no money from Gillette, [352] Sir.

Q. Did you observe, on the videotape, any sign or banner with the Gillette Company name on it?

A. Yes, Sir.

Q. That was in connection with what?

A. That was in connection with SOBAD, South Boston Against Drugs, which does a marvelous job of trying to keep the kids out of drugs and Gillette is their guardian angel, so to speak. They help out them financially.

Q. So that organization, as it proceeded through, had a banner with the Gillette name on it?

A. Yes, that was a very small banner. I actually didn't see it but I know that the shamrocks on it do have the symbol of Gillette because they are financially good to them.

* * *

FURTHER DIRECT EXAMINATION OF JOHN J. HURLEY
(By Mr. Cronin)

* * *

[370] Q. In particular I'd like to refer you to page 137 of that deposition. This relates to the admission of GLIB to the 1993 parade.

"QUESTION: If you yourself were satisfied that this, meaning GLIB, is an Irish-American group interested only [371] in tolerance and non-discrimination, not affiliated with any radical groups, willing to pay their own way and defray costs and that there is no sexual theme involved in their participation, would you recommend to the council that they be allowed to participate?

ANSWER: Yes, I would."

Do you recall that testimony?

A. I do.

* * *

[375] CROSS-EXAMINATION OF JOHN J. HURLEY
(By Mr. Darling)

* * *

Q. And from time to time someone will jump into the line when they shouldn't?

A. Absolutely.

Q. And from time to time, without a vote by the council. Is that correct?

A. Yes there was one there —

Q. Well we heard about the Bruins being placed in the line of march?

A. Right.

Q. Now, when you're confronted with a situation like that, unless it's a PLO organization, in order to remove them from

the parade you are confronted with a real public safety problem if you want to remove — What kind of a judgement do you make when you see someone come into the parade who shouldn't be there?

A. I try to make it from my heart and my head and if there [376] is someone in there and I don't want them there, rather than get into a confrontation with them it would have to be a massive one because everyone gets excited. I'd say, "Okay, you get in there." I'd make sure they were hemmed in by three or four vehicles front and back with no music and all they are going to get out of it is a blister on their feet at the end of the day. They ain't going to get no recognition.

Q. The fact is when people jump into the parade, logistically it's impossible for the veterans to act on the spot. Isn't it?

A. That's correct.

Q. And from year to year this sometimes happens.

A. I would think probably every year.

Q. Okay. But I'm not sure if it was '93 or '92, someone showed up with a pickup truck with "Kill a Fag" sign on the back of the pickup. Is that correct?

A. That's right.

Q. And you spotted it down by Andrews Square?

A. I got a message on my radio that I had on my person to look over my shoulder. I couldn't see nothing. They explained it was in back of the police horses and I crossed the street and I observed this vehicle.

Q. You called Superintendent Maloney?

[377] A. Yes.

Q. And he was removed?

A. Yes, Sir.

Q. He didn't even stop?

A. He came over to me. He has known me over the years. He tried to prevail upon me to make an exception, that this was a nice guy, leave him in.

This was a fellow that was a lieutenant in the fire department.

Q. Mr. Hurley, he was kicked out, wasn't he?

A. He was kicked out. But he had the wrong message.

Q. As far as messages are concerned, there was discussion also about the inclusion and exclusion of certain groups. My question is you excluded — that is the Council declined to have the KKK march in 1992. Is that correct?

A. The Council did so.

MR. DARLING: May I approach?

THE COURT: Yes.

Q. In 1993, did you receive this communication?

A. Yes, Sir.

Q. Can you identify that Exhibit 53?

A. It's a letter from the Klu Klux Klan with an address in North Carolina humbly asking to take part in marching [378] in the parade.

Q. What was the response of the Council to that inquiry?

A. The Council voted unanimously not to allow them in and not to even acknowledge the letter at all.

Q. Thank you. Initially, did you include or exclude the Right to Life group?

A. Initially we included them.

Q. Will you tell us why?

A. When they came into the parade or wanted to come in we had to discuss that they would be walking in an orderly fashion and they said, "Well, we're going to shout the message out there." We said, no.

Q. Who said, no?

A. The Allied Council.

Q. Eventually, they did march.

A. It took several years.

Q. Under what conditions?

A. The conditions of the South Boston Allied War Veterans Council that they march in an orderly fashion and they march without shouting.

You are limited to only one sign. We've had no problems since.

Q. As far as the radical Irish groups were concerned, was there a time when you wouldn't let Noraid or anyone else [379] march that came to the parade with ski masks on and cartridge belts and so forth? Is that correct?

A. They were seen in other parades in that attire and we would not — it was not acceptable to us.

Q. Well, eventually, from the earlier testimony, you have let Northern Irish flags be displayed in the parade, Noraid flags?

A. A Noraid banner and an Irish and American flag, yes.

Q. But without the mask?

A. Without the mask or any of those arms or whatever.

Q. When the Veterans Council is presented with a new group you don't know whether they vote individually in that Veterans Council, to exclude or include, on the basis of social, religious, sexual or any other reason do you?

A. I have no way of knowing that.

Q. Everyone has one vote?

A. We're all individuals. We have one vote.

Q. And the majority of that covers as to whether the exclusion or exclusion of a sponsor of a participant. Is that correct?

A. That's correct. And if we think the vote is close, instead of just having the ayes and nays, we have everybody that voted aye stand up and the nays stand up and do the same thing.

[380] Q. But the fact is, would you agree, with Mr. Lyons when he testified that about 90% to 95% of the participants in the parade have marched before?

A. Yes, that's true.

Q. And they have had prior approval from the Veterans?

A. Yes, you don't have to go back every year for one group that has been accepted.

Q. So, from time to time, getting close to the parade, registration forms are presented sometimes in groups to the Council for their approval or disapproval?

A. That's correct.

Q. And a vote is taken?

A. Yes, Sir.

Q. How much did the financing of the 1993 parade cost; to the best of your recollection?

A. I don't have the books in front of me. I'd say about $35,000.00.

Q. in 1993?

A. Yes, Sir.

Q. And there was no contribution or assistance from the city in 1993?

A. No, Sir.

Q. How did you raise the money?

A. Going door to door to the various store, the merchants. [381] Putting a news item into the local paper pleading for money. We ran a South Boston reunion. We ran raffles. It was nothing to go down the street and have somebody just out and out stop you and give you $5.00, $10.00, or $25.00, or so, without ever wanting any acknowledgment at all; just wanting to be a part of it because of the Southie Pride.

Some people give you money and request that their name not be used. That happens more often than not.

Q. Does that happen more frequently in the last couple of years?

A. I'd say — I don't know. I really couldn't answer that. I'd say probably, yes. But we didn't need the kind of money a couple of years ago that we have now.

Q. But there are people who simply want to make an anonymous donation to the parade?

A. They want to be a part of it. Yes.

Q. And if the city puts some strings on that $8,500.00 each year, if you had to do certain things for the city in order to receive that money what would the response of the veterans have been.

A. Let them keep it. We wouldn't have accepted it.

Q. Isn't that what happened in '93, for their $8,500.00?

A. I don't know whether there were any strings attached. It [382] has been alleged that the City of Boston runs the parade but the City of Boston couldn't run a parade in a telephone booth with $8,500.00.

I mean it takes an awful lot more money than that.

Q. The fact is, Mr. Hurley, that the City of Boston did want to place the GLIB group into the 1992 parade. Is that correct?

A. In 1992?

Q. Yes.

A. Yes, Sir.

Q. And Mayor Flynn made that perfectly clear to you, didn't he?

A. Very, very clear.

Q. Mr. Meunier did too. Didn't he?

A. Yes.

Q. Who is Mr. Meunier?

A. He is a liason for the gay-lesbian group to city hall.

Q. Did you meet Mr. Johnson?

A. No. I don't believe I know Mr. Johnson.

Q. Who has the ability to cancel a parade in inclement weather or for any other reason?

A. The South Boston Allied War Veterans Council.

Q. Who has the ability to determine who can and who cannot march in that parade?

[383] A. South Boston Allied War Veterans Council.

Q. Would you tell us about SO BAD, Mr. Hurley?

A. SO BAD, is South Boston Against Drugs. They are a little run-off of BAD, which is Boston Against Drugs, who assigned a corporate company to be their godfather, more or less, you know, for financial reasons.

They were assigned Gillette and Gillette helps the South Boston group. Some other company would have the Roxbury

group or the Roslindale group or whatever. It's very successful. It's done a marvelous job for the youngsters.

I've been a member of it for probably five years and I can honestly say it's the best organization I ever was affiliated with because there is an awful lot of leadership and there are no bosses and it's a good atmosphere.

Q. I'm going to show you Exhibit Number 74 Mr. Hurley.

A. Okay.

Q. Would you describe Exhibit Number 74 please?

A. It's a pin with a safety clasp. It says, "Say No to Drugs. Celebrate with Pride."

The first year of it the South Boston Allied War Veterans Council paid for them.

Q. Let me develop that by a couple of questions. Were those [384] pins purchased by the South Boston Allied War Veterans Council?

A. Yes, Sir.

Q. when?

A. In 1888, 1889.

Q. And were they distributed by the South Boston Allied War Veterans Council in connection with the St. Patrick's Day/Evacuation Day Parade?

A. Yes, they were distributed all over, whatever way we can get them out. The parade was responsible for the distribution of a lot of those pins? We put them out probably two weeks before. In fact, you don't wear them just the day of the parade. You wear them all year round because there is a profound message in it.

Q. And there has been an effort, hasn't' there, Mr. Hurley, to cut down the drinking in South Boston on parade day?

A. We've been very successful on that. We've gone down from, years ago, having ninety-five, ninety-six arrests, down to, a couple of years ago, not '92 or '93 but prior to that, to one or two arrests for not just the parade but for the night too.

You don't have many arrests or problems during the parade. It's afterwards when you have to figure that with a town of 38,000, you have 600,000, coming in, there [385] is bound to be somebody that ma and paint watching so they raise heck and they get into problems.

Q. How many taverns and bars are shut down on parade day, Mr. Hurley?

A. I'd say almost 60%.

Q. Has that helped in the drinking department?

A. Oh, yes. It has. They also have a truck that goes around. Somebody might be going around with a case of beer and the policeman will take it, put it in the truck and squish it up. So that has alleviated — In fact, it has almost eliminated the public drinking.

Q. The Gillette Corporation supported the SO BAD program, is that correct?

A. Yes.

Q. You described earlier, the float. Is that correct?

A. Yes.

Q. It was pulled by Gillette?

A. They are the sponsors of SO BAD.

Q. You also testified, or someone did, that the reduction in drinking enhanced the parade and more people have come — attended.

A. We gained an awful lot of bands. We have a Troy High School Band that comes in with 250 youngsters. They have a chance to go to Dublin, Ireland or go back to South [386] Boston. The director of music let the kids vote and they voted to come back to South Boston because they got treated so well there. I do send them either leprechauns or shamrocks and one year I sent them the pins that I just showed and they all proudly wore them down the street.

So, definitely they would not be here if the situation was like it was eight or ten years ago.

Q. So that the parade has evolved, hasn't it, over the years?

A. It has. Yes.

Q. You've read histories of the parade haven't you?

A. Yes, I have.

Q. In 1901 there were torchlight parades?

A. Sometimes they'd have four or five parades that week. I remember when I was a youngster there was four parades in the one week leading up to — these were at night, leading up to the St. Patrick's Day Parade.

Q. and over the years the nature and character of the parade has changed, hasn't it?

A. Yes, it has.

Q. And the South Boston Allied War Veterans Council has had permits since approximately 1947?

A. That's correct.

[387] Q. And since 1947 the character and nature of the parade has changed?

A. Well, it's changed. I wasn't around then and in the veteran's circle. It was a great parade and still is. Then it got so that it was a drinking day and we just had the last five or six years to knock the nonsense off. That went for — It came up, let's go to Wacko's house. He's a big offender. Well I had to shut it off too so it's a community effort.

Q. In the last several years, has it become your testimony, that it's a great family event?

A. Yes, everybody comes back to see their family. At Christmas time you can only see your family that one day and so some come Christmas Eve and some come Christmas Day and some come a week later.

St. Patrick's Day is not a week event in the parade. It's a one-day. So that the families do get together and they haven't seen each other since the last St. Patrick's Day Parade.

So it is a very very profound family day. It's a happy day.

Q. In your rosters that used to be printed by the city, would you mention certain people and honor their names or their memory in the rosters annually?

[388] A. Yes, in the program, for instance, if we had a police man or a fireman that got killed in the line of duty or we got a veteran that was a member of the Council that died, we would put his name in, an in memorium type of thing. And for the ones who are alive if somebody gives you some work or is a good guy you put him down and give him an honorary title, as assistant chief of staff or honorary chief marshall or something like that.

Q. And you hustle as much money for that parade in any way that you can don't you?

A. Any way that it will come in.

Q. And if the mayor wanted to generate some interest in the parade on behalf of the parade committee, it is welcome, isn't it?

A. Absolutely. If he wanted to do it two or three times a year we'd accommodate him.

Q. And you testified earlier that on the fire equipment that is on the parade it serves several purposes doesn't it, that equipment?

A. Yes, the main purpose of the fire engines there, of course, especially for the youngsters is to see the trucks out there. But its primary purpose in going down the street is that we have people that come over to our town about nine o'clock and they get a little restless by [389] the time the parade come by their point.

So they are all out in the street, their minds are wandering a little there. So when the fire trucks come by it's a safety measure to push them back onto the sidewalk so that you do have enough sense to get on the sidewalk and the parade comes along in fifteen minutes. So it's a good area so the bands can perform.

Q. In the event that there is a fire or some other emergency there is also equipment on the streets, ambulances and fire engines?

A. Right. Oh, absolutely. And they still have apparatus in the barns.

Q. Now, there was some testimony about radio stations. How do the radio stations, whether or not they are sponsors, assist in the conduct or promotion or safety of the parade?

A. Well, there is one of the radio stations that had a contest. The contest was awarding some type of T shirts and probably some tickets to some performance or something. They keep advertising "You win when you come to Southie." Things like that.

The other radio station, the Irish one, they give us a lot of mileage for nothing and we just give them the opportunity to come in and we do not charge them. A [390] little payback.

Q. You saw the tape of the 1993 parade?

A. Yes.

Q. Not included in the parade were the Hibernians. Is that correct?

A. That's correct.

Q. I show you Exhibit Number 38. Is that the registration form?

A. Yes, Sir. It is.

Q. Who is that from?

A. That is from Paul Costello who is from the South Boston Ancient Order of Hibernians. Under "remarks," he says he has been instructed by the national president that his group cannot march in the parade if the GLIB organization is allowed to march in it.

Q. Would you briefly describe this?

A. This is a letter from one of the commanders of the existing Allied War Veterans Council, the South Boston VFW.

It was sent to the chief marshall, from the commander, informing the chief marshall that they cannot come into the

parade. The cause of the ruling was the GLIB organization marching in the parade.

Q. Did they march in the parade?

[391] A. They've marched in the parade ever since 1947 or so. They never missed. I think they missed this year for the first time.

Q. Did they state their reasons in that exhibit?

A. Yes, they did.

Q. Exhibit 39 —

THE COURT: I'm sorry, what is that Exhibit number?

MR. DARLING: Fifty, 5-0. I'm sorry.

Q. I show you Exhibit number 39. Can you identify this?

A. It's from the Immaculate Heart of Mary band. It's a great band; nice youngsters in it and they had stated that they will be in the St. Patrick's Day/Evacuation Day Parade in '93 on this form here.

However, they did cancel out once the GLIB organization was permitted in the parade by court order.

Q. We have an unmarked exhibit. Can you identify this please, Mr. Hurley?

A. This is the Right to Life. There is also a group, The Immaculate Heart of Mary Marching Band.

This scene was taken in Perkins Square, South Boston?

THE COURT: Are you offering it in evidence?

MR. DARLING: Yes, Your Honor.

[392] MR. CRONIN: No objection.

MS. McKELWAY: No objection, Your Honor.

THE COURT: It will be marked and received as Exhibit 106.

(Exhibit 106, marked; Photograph.)

Q. Do you see St. Patrick there, in Exhibit 106?

A. Yes, I do.

Q. Do you happen to know who he is?

A. That's Brother Joe.

Q. St. Patrick in the form of Brother Joseph didn't march in the '92 or '93 parades, did he?

A. No, he didn't.

Q. Mr. Hurley, going back a few years, you were the chief marshall in 1964. Is that correct?

A. Yes.

Q. Did the NAACP seek to march in that year?

A. Yes.

Q. What was the response of you personally? Did you receive the inquiry?

A. We received the application, brought it before the Allied Council. The Allied Council voted to allow the NAACP in the St. Patrick's Day/Evacuation Day Parade in 1961.

Q. You know the NAACP is not an Irish pipe band is it, Mr. Hurley?

[393] A. No. It isn't.

Q. Did you have discussions with them as to what form they would take when they marched? Would you give us a little insight as to how the process worked?

A. Well, at that time we told them that their float would have to be patriotic or Irish in nature.

Q. Did they conform to that?

A. They did.

Q. I'm asking you individually, Mr. Hurley, because we can't walk into the mind of the veterans why they decided to accept it. What was your understanding of why that group wanted to march?

A. Well, they were fighting for their civil rights. We figured the Irish did that years ago and probably still are so that was the basis of my vote.

* * *

[413] Now, Mr. Hurley, have you or the Veterans ever excluded any individual from participating in the St. Patrick's Day Parades because of their sexual preference?

A. Not knowingly, no.

Q. I'm sorry?

A. No, never have, not knowingly.

* * *

[417] Would you define the responsibilities and duties of a parade adjutant, please?

A. Well —

Q. As a matter of fact, would you describe — fine, answer the question.

A. The parade adjutant sets up the parade in cooperation with the Allied Council, the chief marshall, and the chief of staff, probably working [418] eight or nine months, whatever it takes in the Council's experience. Then it goes right up to the day of the parade and he can make any decision that he wants as to late entrants because we do have people that try to get in, you know, the day of the parade or the day before.

Q. Well, in the tape we saw, that was the '93 parade, right?

A. Yes, sir.

Q. In the '93 parade the Bruins marched and they were admitted in at the last minute; is that correct?

A. I didn't see the Bruins until probably 20 minutes before parade time on the morning of the parade.

Q. And did you have the authority to admit them on the spot?

A. Yes, I did.

Q. And is that authority part of the responsibilities of the parade adjutant on parade day —

A. Yes.

Q. — to take care of the last-minute stuff?

A. Everything we do — most of the things we do from the Allied Council is — over the years it caused [419] confusion, so —

Q. When there are groups like GLIB, or the KKK, or, for a period of time, the Right to Life, and NORAD, there was

continual discussion amongst the Veterans and the Council as to whether to admit a group that perhaps we could characterize as controversial; is that right?

A. That's right.

Q. And if the Bruins showed up with the Boston Celtics and the Boston Red Socks, would you let them all march?

A. I certainly would. That would be my judgment call. It would be for the betterment of the parade.

Q. I trust you'd be happy to have them all?

A. I certainly would.

* * *

[485] JOHN J. "WACKO" HURLEY, RECALLED.

EXAMINATION
(By the Court):

Q. I want to be as complete and as clear as I can, so I'll ask you to indulge me.

You testified earlier that your view in '92 would be the same today, that you would be opposed to GLIB's participation because of the inclusion in their contingent of members, you understand — of persons you understand to be members of Act Up and/or Queer Nation; is that right?

[486] A. That's correct, sir.

Q. Okay.

And the basis for that position is that the view of such persons, you understand, are repugnant to the values of the parade, or such persons could not be counted on to be orderly, or what is it you're focusing on in drawing the distinction that you have?

A. Well, I'm glad you asked that question, your Honor, because this has been going on for a couple of years. And the message that we're trying to put out there is the Allied War Veterans Council and John "Wacko" Hurley have no — none

whatsoever — feelings of any nature against the gay/lesbian, male/female, whatever.

We do and we will continue to have animosity against radical groups that are trying to come into our town, throw condoms around, give us various hand gestures and whatever. And I'm here to give credit to our town. I think they've taken 50 paces backwards since they started this nonsense two years ago.

So, my beliefs are still the same, sir.

Q. Thank you, sir. I'm not sure I understand you.

[487] Is it your view that any contingent including such persons has to be excluded on account of what you understand to be their values and views contrasted with your own, or is it your position that any contingent including such persons has to be excluded because they cannot be counted on to march in an orderly way?

A. Well, there are two parts there, sir. I think I do only have one vote and I would use it. And I have one voice and I'd use that to keep a group out that — not to just keep them out because they don't think my ways. If that was so, then there wouldn't be anybody marching in the parade because I do have ideas.

But any group that wants to can enter the parade — they're certainly welcome — but not when they are radical groups going against our traditional values of our town and our people. Years ago —

Q. Wait, sir.

So that even if you could count on their orderliness, because of the repugnance of their views to you, you would recommend against any contingent that includes such persons?

A. Yes, sir.

Q. Okay; that answers my question, Mr. Hurley.